

THE CONSTITUENT ASSEMBLY RULES, 2008

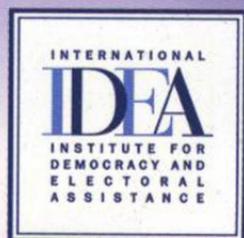
THE CONSTITUENT ASSEMBLY (CONDUCT OF BUSINESS OF LEGISLATURE-PARLIAMENT) RULES, 2008

CALENDAR OF OPERATION OF THE CONSTITUENT ASSEMBLY



Constituent Assembly
Secretariat

नेपाल कानून समाज
Nepal Law Society



The Constituent Assembly Rules, 2065 (2008)

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The Constituent Assembly Rules, 2065 (2008)

Passed by Constituent Assembly: November 14, 2008
First Amendment: December 29, 2008

Preamble: The Constituent Assembly has, having exercised the powers conferred by Article 78 of the Interim Constitution of Nepal, 2063 (2006), framed these Rules for operation of the Constituent Assembly; maintaining the order of the Sitting; regulating the formation, functions, proceedings of Committees and other matters of the Constituent Assembly and its Committees.

Chapter 1

Preliminary

1. Short Title and Commencement: (1) These Rules may be called “Constituent Assembly Rules, 2065 (2008)”.
- (2) These Rules shall come into force immediately.
2. Definitions: Unless the subject or context otherwise requires, in these Rules-
 - (a) “Constitution” means “the Interim Constitution of Nepal, 2063 (2006).”
 - (b) “Constituent Assembly” means the Constituent Assembly constituted in accordance with Article 63 of the Interim Constitution of Nepal, 2063.
 - (c) “Chairperson” means the Chairperson of the Constituent Assembly.
 - (d) “Vice-Chairperson” means the Vice-Chairperson of the Constituent Assembly.

- (e) “Member” means a member of the Constituent Assembly.
- (f) “Committee” means the Committee of the Constituent Assembly.
- (g) “Committee Chairperson” means the Committee Chairperson of the Committee.
- (h) “Minister” means the Prime Minister, Deputy Prime Minister, Ministers, State Ministers and Assistant Ministers of the Government of Nepal.
- (i) “Secretary General” means the Secretary General of the Constituent Assembly, and the word also includes an officer level employee of the Constituent Assembly Secretariat designated by the Chairperson to work as the Secretary General in absence of the Secretary General.
- (j) “Secretary” means the Secretary of the Constituent Assembly and the word also includes an officer level employee of the Constituent Assembly Secretariat designated by the Chairperson to work as the Secretary in absence of the Secretary.
- (k) “Official” means the Chairperson, Vice-Chairperson, the Leader, Deputy Leader of a political party represented in the Constituent Assembly, and the Secretary General and the Secretary of the Constituent Assembly.
- (l) “Assembly” or “Sitting” means the assembly or Sitting of the Constituent Assembly.

- (m) “Motion” means any motion presented before the Constituent Assembly for consideration.
- (n) “Presenter of the motion” means the member who presents the Constituent Assembly with a motion or Bill.
- (o) “Expert” means an advisor and expert from whom the Secretariat receives, on the decision of the Conduct of Business Advisory Committee, as per the prevailing law, expert services for assistance in the Constituent Assembly pursuant to Sub-rule (4) of Rule 165 and the word also includes a person who is invited as an expert by a Committee seeking suggestions on how to fulfill its responsibilities.
- (p) “Sitting Chamber” means the Chamber where the Constituent Assembly takes place, as well as to the audience Chamber and veranda adjoined the Sitting Chamber.
- (q) “Table” means the table of the Assembly.
- (r) “Bulletin” means the Constituent Assembly’s Bulletin, consisting of the following subjects:
 - 1) Notice regarding the proceedings of the Sitting,
 - 2) Summary of the proceedings of the Sitting,
 - 3) Notice regarding the Committee, and
 - 4) Other subjects deemed necessary by the Chairperson.

- (s) “Precincts” means the entire premises of the building, including the Sitting Chamber of the Constituent Assembly, the galleries and the audience Chamber and the word includes the thoroughfare adjoining the building where the Sitting is conducted, and to additional places as may be fixed by the Chairperson from time to time.

Chapter 2

Notice of Sitting, Attendance of Members and Seating Arrangements

3. Notice of Sitting: (1) Sitting of the Constituent Assembly shall be called on the date and at the time and venue fixed by the Chairperson. The Chairperson shall provide notice of such details to the members at the end of each Sitting.
 - (2) In case a Sitting has been postponed before the date of the next Sitting is fixed pursuant to Sub-rule (1), the subsequent Sitting shall be called by the Secretary General or the Secretary by giving a notice to the members at least three days in advance.
 - (3) In case a Sitting of the Constituent Assembly has been called pursuant to Sub-article (2) of Article 69 of the Constitution, the Secretary General or the Secretary shall publish a notice to that effect in the Nepal Gazette, and also transmit it through the public media.
4. Presence of the members: Before taking a seat, each member shall sign on the attendance register kept outside of the Sitting Chamber.

5. Seating arrangement: (1) Each member shall take his/her seat in a place and order as assigned by the Chairperson.

(2) In the case of the members with disability, the Chairperson may, having assigned seating places and order, also permit one assistant to take a seat beside such a member.

(3) Notwithstanding anything contained in this Rule, the Chairperson may permit members of the Council of Ministers who are not the members of the Constituent Assembly to take their seats in places and orders like other members of the Council of Ministers.

Chapter 3

Conduct and Adjournment of Sitting of the Constituent Assembly

6. Conduct of the Sitting and Adjournment: (1) Subject to these Rules, a Sitting of the Constituent Assembly shall take place on days fixed by the Chairperson, in consideration of the workload of the Constituent Assembly.

(2) Unless ordered otherwise by the Chairperson, a Sitting of the Constituent Assembly shall commence at 11.00 am and adjourn at 5.00 pm.

(3) In case there is a change in the date, time and program of a Sitting for any reason, notice of the same shall be posted on the notice board of the Constituent Assembly, including explanation for the change. Having posted the notice in this way, it shall be deemed that all members have been duly notified of the change.

(4) The Chairperson shall announce the commencement and adjournment of each Sitting.

(5) Officials of all parties representing to in the Constituent Assembly shall cooperate in the conduct of the Constituent Assembly Sitting.

Chapter 4

Election of Chairperson and Vice-Chairperson and Nomination of the Panel of Chairpersons

7. Election of the Chairperson: (1) The election of the Chairperson shall take place on the prescribed day and the Secretary General shall publish a notice thereof.

(2) In case there has been a political consensus in the election of the Chairperson pursuant to sub-Article (1) of Article 71 of the Constitution within the time prescribed in the program published pursuant to sub-Rule (1), any member may, with the support of other member, submit a motion to the Chairperson along with a memo of the said consensus.

(3) In case the motion referred to in Sub-Rule (2) has been received, the Chairperson shall permit the proposing member to introduce the motion in the Sitting prescribed for the election of the Chairperson.

(4) At the beginning of the Sitting, the supporting member shall support the motion following the proposing member introduces the motion in the Sitting. After the statement of the supporting member, the Chairperson shall declare that the member so proposed has been elected to the office of Chairperson of the Constituent Assembly on the basis of political consensus.

(5) In case no election of the Chairperson could be held on the basis of political consensus pursuant to Sub-Rule (2), any member may, within the time determined in the program published pursuant to Sub-Rule (1), give notice of a motion to the Secretary General that any other member be elected to the office the Chairperson. Such a notice shall have to be accompanied with a statement of consent of the proposed member that, "if elected, I agree to carry out the work of the Chairperson."

(6) After the proposing member introduces a notice of motion referred to in Sub-rule (5) in the Sitting, the supporting member shall support it. In case only one of such notice of the motion has been received, the person presiding over shall, upon completion of the statement by the supporting member, declare that the proposed member has been elected unopposed to the office of the Chairperson.

(7) In case more than one notices of motion have been received pursuant to Sub-Rule (5), the proposing members shall introduce and supporting members shall support their respective motions on the order of registration and thereafter, discussion shall be held on all the motions and thereafter, the person presiding over shall present the motions for decision one by one.

(8) In case more than one notice of motion have been received and presented for decision pursuant to Sub-Rule (7), the member proposed in the motion passed by the majority of the total members in the Constituent Assembly for the time being shall be deemed to have been elected to the office of the Chairperson of the Constituent Assembly.

(9) Among the more than one motion submitted for decision to the Assembly pursuant to Sub-Rule (7), the member proposed in motion which has been passed by the majority of the total members present in the Constituent Assembly shall be deemed to have been elected to the office of the Chairperson of the Constituent Assembly and the rest of the motions need not be presented for decision.

(10) The decision of the Constituent Assembly on the motion received pursuant to Sub-Rule (5) to elect one member to the office of the Chairperson shall be taken through division of votes. In case none of the motions submitted for election of the Chairperson could be passed by the majority required under sub-Article (1A) of Article 71 of the Constitution, the Chairperson shall have to call the next Sitting for resubmission of those motions for decision. The procedure referred to in this Sub-Rule shall be followed until any of those motions is passed by the majority required under sub-Article (1A) of Article 71 of the Constitution.

(11) In case the member presiding over the first Sitting has been proposed to the office of the Chairperson, the second eldest member who has not been proposed to the office of the Chairperson shall preside over the Sitting on that day.

(12) In case the office of the Chairperson falls vacant for any reason whatsoever, it shall be fulfilled by an election in accordance with the procedures referred to in this Rule.

8. Oath of Office by the Chairperson: The Chairperson shall, prior to assuming the office, take an oath of office and secrecy before the President as in the format referred to in Schedule-

- 1.
9. Election of the Vice-Chairperson: (1) The election of the Vice-Chairperson shall take place on the day fixed by the Chairperson.
 - (2) For the election of the Vice-Chairperson too, the procedures referred to in Rule 7 for the election of the Chairperson shall be followed.
 - (3) In case the office of the Vice-Chairperson falls vacant for any reason whatsoever, it shall be fulfilled by an election pursuant to this Rule.
10. Oath of Office by the Vice-Chairperson: The Vice-Chairperson shall, prior to assuming the office, take an oath of office and secrecy before the Chairperson as in the format referred to in Schedule-1.
11. Nomination of the Panel of Chairpersons : (1) The Chairperson may nominate up to 27 members from time to time to chair Sittings in the event of absence of both the Chairperson and the Vice-Chairperson.
 - (2) The Vice-Chairperson and the member nominated pursuant to Sub-rule (1) may exercise all powers to be exercised by the Chairperson while chairing the Sitting.

Chapter-5

Election of President and Vice-President

12. Election of President and Vice-President: The election for the President shall take place on the day and at the time prescribed by the Chairperson.
 - (2) The Chairperson may designate the

Secretary General of the Constituent Assembly to conclude the election of the President and to submit the result of the election.

(3) The Election Officer may seek assistance of the employees of the Secretariat as may be necessary for completion of the election.

13. Publication of Election Program: (1) The Election Officer shall prepare the program of the election and publish it in public manner at least before twenty four hours of the day prescribed for election of the President.
 - (2) In the program published pursuant to sub-Rule (1), the programs such as publication of the voter's list, complaint and objection against it, publication of the final voter's list, the time, methods and venue for filing the candidacy, the time for publication of the name list of the candidates, the time duration for withdrawing the candidacy, the time for publication of the final list of the candidates and the programs for voting and counting of votes shall, among other things, also be clearly stated.
14. Publication of Voter's List: (1) The Election Officer shall publish the voter's list having included the names of the members who have administered the oath of office as a member of the Constituent Assembly in an alphabetical order within the time prescribed in the program published pursuant to Rule 13.

(2) In case a member doubts that any member having his/her name included in the voter's list published pursuant to sub-Rule (1) is or has become ineligible to be a voter in the election of the President, s/he may file an objection before the Election Officer within the time prescribed having stated ground(s) thereof.

(3) In the event of filing an objection pursuant to sub-Rule (2), the Election Officer shall have to decide on the matter having conducted an inquiry on it. The Election Officer shall publish the voter's list maintained as per such decision as the final voter's list

(4) In case no objection has been filed pursuant to sub-Rule (2), the voter's list published pursuant to sub-Rule (1) shall be deemed to be the final voter's list.

15. Political Consensus and Election: (1) In case there has been a political consensus as to any person having met the qualifications pursuant to Article 36D. of the Constitution with regard to the election of the President pursuant to sub-Article (1) of Article 36B. of the Constitution, the nomination form in the format referred to in Schedule-2 has to be filled in having stated all the necessary details along with a memo of the said consensus that the person be elected to the office of President on the basis of political consensus and the nomination form has to be filed with the Election Officer within the time prescribed pursuant to Rule 13 having proposed by one member and seconded by another member along with their respective signatures and along with a copy of Nepali Citizenship certificate of the person so proposed.

(2) While filing the nomination on the basis of the political consensus pursuant to sub-Rule (1), the memo in the format as referred to in Schedule-3 containing the consent of the concerned candidate that s/he agrees to work in the office of the President shall also be enclosed.

(3) In case the nomination has been filed pursuant to sub-Rule (1) that one be elected to the

office of the President on the basis of political consensus, the Election Officer shall forthwith submit the contents thereof to the Chairperson.

(4) In case the Election Officer submits the contents to the Chairperson that a nomination has been filed that one be elected to the office of the President on the basis of political consensus, the Chairperson shall declare in the Sitting of the Constituent Assembly convened immediately thereafter that the concerned person has been unanimously elected to the office of President on the basis of political consensus and the notice thereof shall be published in the Nepal Gazette.

(5) In case no proposal of the political consensus is filed within the prescribed time in accordance with this Rule, the Election Officer shall initiate the other process of the election pursuant to sub-Article (3) of Article 36B. of the Constitution on the basis of these Rules.

16. Procedures for Registering Nomination Form: (1) The nomination form in the format referred to in Schedule-2 stating that any person having met the qualifications pursuant to Article 36D. of the Constitution be elected to the office of the President shall be submitted to the Election Officer within the time prescribed pursuant to Rule 13 having stated all necessary details and having proposed and signed by one member of the Constituent Assembly and having seconded and signed by another member of the Constituent Assembly along with a copy of Nepali Citizenship certificate of the person so proposed.

(2) While filing the nomination form pursuant to sub-Rule (1), the memo in the format as referred to in Schedule-3 containing the consent of the concerned candidate that s/he

agrees to work in the office of the President shall also be enclosed.

17. Examination of Nomination Form and Publication of Name-List: The Election Officer shall examine the nomination forms submitted by the candidates registered within the time prescribed for the election of President pursuant to Rule 16 and publish the names of all candidates in an alphabetical order.

18. Objection: (1) Any candidate may file an objection against any other candidate within the prescribed time having his/her name included in the name list of the candidates published pursuant to Rule 17.

(2) While filing an objection pursuant to sub-Rule (1), the clear basis and cause thereof shall be stated.

(3) The Election Officer shall examine with regard to the objection filed pursuant to sub-Rule (1) and in case the objection is found to be reasonable and according to law, s/he may invalidate the nomination form of such candidate citing the reason thereof.

19. Withdrawal of Candidacy and Publication of Final Name-List: (1) After publication of the name-list pursuant to Rule 17, the candidate having his/her name included in such name list may, within the duration prescribed pursuant to sub-Rule (2) of Rule 13, submit a written submission for withdrawal of the candidacy being present in person before the Election Officer in case s/he desires to withdraw his/her candidacy.

(2) The Election Officer shall forthwith prepare the final list of candidates maintained upon completion of the time for withdrawal of the

candidacy pursuant to sub-Rule (1) in an alphabetical order and publish it.

(3) In case only one nomination letter duly filled in has been filed within the time prescribed for the election of the President or only one nomination letter is retained after cancellation of the nomination letters of other candidates pursuant to sub-Rule (3) of Rule 18 or in case other candidates have withdrawn their nominations and nomination letter of only one candidate is retained, the Election Officer shall submit the information to the Chairperson that such candidate has been elected unopposed to the office of President.

20. Voting: (1) In case there are more than one candidate in the final name list of candidates published pursuant to Rule 19, the election shall be conducted on the basis of secret voting.

(2) For the purpose of sub-Rule (1), the Election Officer shall prepare the ballot paper having included the name of all candidates maintained pursuant to Rule 19.

(3) The member having his/her name included in the voter's list shall, within the time prescribed for voting, take the ballot paper having the signature of the Election Officer and mark the sign (√) in the box for indicating the vote before the name of the candidate of his/her choice and drop the ballot paper in the ballot box.

(4) Other procedures relating to voting shall be as prescribed by the Election Officer.

21. Circumstances for Ballot Paper to be Invalid: (1) In any of the following circumstances, the ballot paper shall be declared invalid:-

(a) In case the voting sign (√) is

marked in the boxes of more than one candidate;

- (b) In case the marked voting sign (√) is different from the prescribed voting sign;
- (c) In case vote has been casted on the ballot paper having no signature of the Election Officer;
- (d) In case voting sign has been marked in such a manner that it could not be differentiated to which candidate the vote has been caste.

(2) In case any dispute has been raised as to validity or invalidity of any ballot paper, the decision made by the Election Officer shall be final.

22. Counting of Votes: (1) Immediately after completion of the voting, the Election Officer shall begin the counting of votes in presence of the candidate or his/her representative.

(2) Upon completion of the voting, the Election Officer shall prepare a deed to that effect and submit the election result forthwith to the Chairperson.

23. Declaration of Election Result: (1) The Chairperson shall declare the election result submitted by the Election Officer pursuant to sub-Rule (3) of Rule 19 or sub-Rule (2) of Rule 22 at the Sitting of the Constituent Assembly to be convened immediately thereafter.

(2) While declaring the election result pursuant to sub-Rule (1), it shall be clearly declared that whether the candidate has been elected unopposed or elected by securing the

majority vote pursuant to sub-Article (2) of Article 36B. of the Constitution and the notice thereof shall be published in the Nepal Gazette.

(3) In case it is found from the result of the election submitted by the Election Officer pursuant to sub-Rule (2) that no candidate could have secured majority vote that has to be secured pursuant to sub-Article (2) of Article 36B. of the Constitution, the Chairperson shall determine in the same Sitting the date of voting between the two candidates securing highest number of votes.

(4) The Election Officer shall conduct the election pursuant to Rule 20 on the date determined again pursuant to sub-Rule (3) and complete the vote counting pursuant to Rule 22 and submit the result of such election to the Chairperson.

(5) The Chairperson shall declare the result of the reelection received pursuant to sub-Rule (4) at the Sitting of the Constituent Assembly to be convened immediately thereafter and the notice thereof shall be published in the Nepal Gazette.

(6) The procedures referred to in this Rule shall continue until a candidate secures the majority to be secured pursuant to sub-Article (2) of Article 36B. of the Constitution.

(7) In case the office of the President falls vacant for any reason whatsoever, it shall be fulfilled in accordance with the procedures referred to in this Rule.

24. Election of Vice-President: (1) The election of the Vice-President shall be held on the day and at the time prescribed by the Chairperson and the Secretary General shall publish the notice thereof.

(2) The procedures of the election of the Vice-President shall be like that of the President.

(3) In case the office of the Vice-President falls vacant for any reason whatsoever, it shall be fulfilled in accordance with the procedures referred to in this Rule.

25. To be deemed Internal Proceedings: The proceedings undergone under these Rules in connection with the election of the President and Vice-President shall be deemed to be internal proceedings of the Constituent Assembly as referred to in sub-Article (2) of Article 77 of the Constitution.

Chapter-6

General Procedures of Sitting

26. Daily List of Business: (1) The Secretary General or the Secretary shall prepare a list of business for each day of the Sitting as per the direction of the Chairperson. One copy of this list shall be provided to each member normally one day prior to the Sitting.

Provided that, in special circumstances, an amended list of business may be prepared one hour prior to the Sitting as per the Chairperson's direction and one copy of it may be provided to each member.

(2) Unless otherwise provided for in these Rules, no subject that has not been included in the list of business for the day shall be discussed on that day without the permission of the Chairperson.

(3) Except the Chairperson has directed otherwise, no matter that requires notification

shall be included on the list of business without fulfilling the necessary timeframe and other processes.

27. The Conduct of Business Advisory Committee:

(1) In order to conduct a Sitting of the Assembly in an orderly manner including determining the priorities and time limit of the subjects to be submitted before the Sitting and to furnish advices to the Chairperson on other subjects as the Chairperson may deem necessary, there may be formed a Conduct of Business Advisory Committee under the chairpersonship of the Chairperson having representation of members of all political parties representing to the Constituent Assembly not exceeding forty nine members altogether.

(2) The Vice-Chairperson and the Minister of Law, Justice and Constituent Assembly Affairs shall respectively be the ex-officio Vice-Chairperson and member of the Committee.

(3) Notwithstanding anything contained in Sub-rule (1), the Chairperson may invite to the Sitting of the Conduct of Business Advisory Committee any member that s/he deems fit as an invited member.

28. Determination of time limit: (1) The Chairperson shall determine the time limit for discussion on any issue submitted before the Sitting.

(2) After completion of the time limit determined pursuant to Sub-rule (1), the Chairperson shall, unless otherwise provided in these Rules, submit all questions in the Sitting for decision in order to settle the matter without any further discussion on it.

29. Method of Furnishing Notice: Unless stated otherwise in these Rules, a member shall give any notice to the Secretary General or the Secretary only between 10.00 am to 2.00 pm. Notices given after this time shall be considered to have been given on the next working day.

30. Amendment to Notice: In case the Chairperson finds that a notice contains any unsuitable, satirical, unnecessary, unfit or irrelevant words or phrases, s/he may amend to or cause to amend to such notice before it is disseminated.

31. Distribution of documents: (1) The Secretary General or Secretary shall provide all necessary documents and information to members.

(2) The Secretary General or Secretary shall, as directed by the Chairperson, make arrangements to place all documents and information to be provided to members in pigeonholes that bears the name of each member, in the office of the Constituent Assembly party. Documents and other information placed in this way shall be considered to have been received by the concerned member.

Provided that for the members nominated by the Council of Ministers and independent members, the Secretary General or the Secretary shall make arrangements to install pigeonholes in the place determined by the Chairperson within the Secretariat compound and the information thereof shall be furnished to the concerned member.

32. Commencement of the Sitting: The Sitting shall be commenced once the Chairperson enters into the Sitting Chamber and the national anthem is played.

33. Norms to be Observed in the sittings of the Assembly: Members shall observe the following norms whilst the Assembly is sitting:-

(a) When the Chairperson enters into the Sitting Chamber, all must stand up to express respect.

(b) The Chairperson must take the chair having expressed honour to the Sitting.

(c) Other members must leave the Sitting Chamber once the Chairperson gets out of the Assembly following the adjournment of the Sitting.

(d) Assembly member taking part in the Sitting must speak only after having addressed to the Chairperson and unless otherwise ordered by the Chairperson, must speak standing up from the seat.

(e) While the Chairperson is addressing to the Sitting, no member must move from his/her place and must listen to the statement of the Chairperson peacefully;

(f) No one must walk across in between the chair of the Chairperson and the member speaking to;

(g) No one must disturb peace or breach the honour of the Sitting or commit any act creating disorder in the Sitting;

(h) No one must walk across in front of the Chairperson in the Sitting Chamber or sit having his/her back towards the seat of the Chairperson;

(i) Except the subject concerned directly with the business of the Sitting, no one must read the books, newspapers or other documents on other subjects;

- (j) Mobile phone must be switched off in the Sitting Chamber while the Sitting is in progress;

34. Norms to be followed by the Members Taking Part in Discussion: The members taking part in discussion in the Sitting must abide by the following norms:-

- (a) One must stand up to call the attention of the Chairperson, and shall speak only after getting an indication or having his/her name called;
- (b) Except in course of the discussion on a motion that the Chairperson has not behaved as per the dignity of office, one must not criticize conduct of the Chairperson;
- (c) No one must discuss on the subjects restricted by Article 60 of the Constitution;
- (d) No one must be blamed at personal level;
- (e) No one must speak on any matter within the purview of the Legislature-Parliament;
- (f) No one must speak immodest, vulgar, insulting or contestable words;
- (g) Except speaking on the motion that any decision of the Assembly or of the Chairperson be invalidated, no one must criticize the decision of the Assembly or the Chairperson;
- (h) The right to statement must not be misused with the intention of disrupting the proceedings of the Sitting.

35. Order of Speaking in Discussion: The order of speaking and giving answers in the Sitting shall be as follows:-

- (a) After the statement of the proposing member is over, the person whose name has been called upon or who has been indicated to speak by the Chairperson may speak.
- (b) Except otherwise provided in these Rules, no member may be allowed to speak more than once on the same subject without permission of the Chairperson.
- (c) The member introducing the motion may speak at the end of the discussion in order to give answers. Irrespective of whether or not one has taken part with regard to the motion, once the proposing member gives answers, one shall not be allowed to speak without permission of the Chairperson.
- (d) The member submitting amendment to the motion shall not have right to answer without permission from the Chairperson.
- (e) Once the member introducing the motion gives answers, the discussion shall be deemed to be ended.

36. Relevancy: (1) The matter spoken by any member shall be related to the subject under consideration of the Constituent Assembly.

(2) In case any member continues to speak on an irrelevant issue or frequently repeats his/her own logic or logic of anyone else, the Chairperson may call attention of the Sitting towards his/her

behavior and order him/her to stop the statement. Immediately after such order has been issued, the said member shall take his/her chair having stopped the statement.

37. Right to seek or give explanation: (1) In case any member deems it necessary to seek an explanation on the concerned subject while discussion is taking place, s/he may seek the explanation through the Chairperson.

(2) Notwithstanding anything contained in Sub-rule (1), any member may, with the permission of the Chairperson, give an explanation on any other subject relating to him/her for information of the Sitting.

Provided that no controversial matter may be raised while giving such explanation and no discussion shall be allowed on such explanation.

38. Motion for Closure of Discussion: (1) Unless otherwise provided for in these Rules, any member may, with the permission of the Chairperson, move at any time a motion that the discussion be closed in respect of motion introduced to, or under consideration of, the Assembly.

(2) In case the Chairperson deems that there has been necessary discussion on the original motion, s/he may place the motion before the Constituent Assembly for decision to the effect of ending the discussion.

(3) There shall be no amendment to or discussion on the motion to end discussion. In case such a motion is passed, the Chairperson shall, without allowing for additional discussion, submit the original motion to the Constituent Assembly for decision.

(4) In case the Chairperson deems that any discussion is being prolonged unnecessarily, s/he may, having taken into account the opinion of the Sitting, fix a timeframe for ending the discussion and in case such timeframe has been fixed, s/he may deem that the discussion is completed and s/he may submit all necessary issues to the Sitting for making decision of the Constituent Assembly on the main motion.

39. Points of Order: (1) In case any member feels that there has been a breach of any Rule on the matter that is currently under consideration of the Assembly, s/he may raise a Point of Order having identified the Rule so breached.

(2) Once the member raising the Point of Order gets an expression or gesture of approval from the Chairperson, the member who is currently speaking shall stop speaking.

(3) The member raising the Point of Order shall speak clearly and precisely on the issue of the Point of Order and its bases and after raising the Point of Order, s/he shall take his/her seat.

(4) The Chairperson shall decide on the Point of Order raised and his/her decision shall be the final.

Chapter 7

Methods of Decision-Making in the Assembly

40. Deciding through Questions: The Chairperson shall, while submitting a motion under consideration of the Constituent Assembly for decision, submit it in the form of a question.

41. Methods of Submitting a Question for Decision: (1) Once the discussion on a motion is over, the

Chairperson shall present questions one by one, asking members who support the motion to audibly say “Yes”; those who oppose the motion to say “No”, and those who are prefer to remain neutral to say “abstain from voting”.

(2) Upon submission of the motion for decision pursuant to Sub-Rule (1), the Chairperson shall announce the party whichever s/he deems to have received the majority among those saying “Yes” or “No” and in case there is no objection to the view of the Chairperson pursuant to Rule 42, the Chairperson’s announcement shall be the decision of the Constituent Assembly. A record of the votes stating “Yes”, “No” and “abstain from voting” in response to the motion submitted for decision shall be maintained having identified their respective number.

(3) Once the Chairperson submits a particular motion for decision, no discussion or submission of an amendment or postponement motion shall be moved on the motion.

42. Division: (1) In case a minimum of sixty one members express their disapproval by standing up from their seats pursuant to Sub-rule (2) of Rule 41, the Chairperson shall collect the votes having divided the members saying “Yes”, “No” or “abstain from voting” in one of the following methods:-

- (a) By asking each member to pronounce the word “Yes”, “No” or “abstain from voting”;
- (b) By distributing “Yes”, “No” and “abstain from voting” slips,
- (c) By getting the members saying “Yes”- and “No”-voting members to enter the

lobby through different doors, and having the “abstain from voting” - voting members to remain in their seats, or

- (d) By operating the automatic vote-recording machine.

(2) Notwithstanding anything contained in Sub-rule (1), if the Chairperson deems that a demand for division is unnecessary, s/he may, before giving an order for division, ask the members voting “Yes”, “No” and “abstain from voting” to stand up from their seats respectively, and determine the decision of the Constituent Assembly having counted them.

(3) While distributing the “Yes”, “No” and “abstain from voting” slips pursuant to Sub-rule (1), the slips shall be in green, red and blue color respectively and the Members shall sign on the slip stating his/her serial No. and name.

(4) Where an automatic vote-recording machine has been used for collecting votes pursuant to Sub-rule (1):-

- (a) In case the Chairperson feels that a member is unable to operate the machine for any reason, s/he may, prior to announcing the decision of the Constituent Assembly, count the vote of that member by asking the member;
- (b) In case a member happens to press the wrong button of the automatic-vote recording machine and thereby wrong vote is caste, such member may call the Chairperson’s attention to the

matter prior to the announcement of the Constituent Assembly decision, and correct the vote.

(5) The Chairperson shall forthwith announce the results of the votes collected pursuant to Sub-rule (1) or (2), and no member shall be allowed to express his/her disagreement.

(6) The Chairperson shall have the power to divide a motion into different parts in the form of more than one question and to submit them for decision. The Chairperson shall also have the powers to prescribe the vote collectors and to determine other procedures of division.

Chapter 8

Maintenance of Order in the Assembly

43. Warning: The Chairperson may warn a member committing misbehavior in the Sitting to control his/her behavior, and after getting such warning, the member shall have to control his/her behavior.

44. Expulsion: (1) The Chairperson may order any member who does not comply with the warning issued pursuant to Rule 29 to leave the Sitting Chamber. Upon getting such an order, such member shall have to go out of the Sitting Chamber forthwith and s/he shall not be allowed to take part in the remaining duration of the Sitting of that day.

(2) In case such member does not go out of the Sitting Chamber forthwith even after getting the order referred to in Sub-rule (1), Chairperson may get the member out having used force with the help of a Marshal. In case expelled out in such a way, the member shall not be

allowed to take part in a Sitting of the Assembly or Committee for three consecutive days thereafter. In case any member has been expelled in such way, the Secretary General or the Secretary shall inform all Committees about it.

45. Suspension of Members: (1) The Chairperson may note by name any member who disrespects the chair of the Chairperson, or who knowingly disturbs the proceedings of the Constituent Assembly, or who repeatedly misbehaves or knowingly breaches or dishonors the Constitution or these Regulations.

(2) In case a member introduces a motion for suspension of the member who has been noted pursuant to Sub-rule (1), the Chairperson shall forthwith submit the motion before the Sitting for decision and no motion of amendment or postponement of this motion shall be brought for and have discussion.

(3) In case the motion referred to in Sub-rule(2) is passed, such a member shall be deemed to be suspended, and the member so suspended shall not be allowed to attend in Sitting of the Assembly or Committee for a period of fifteen days thereafter.

(4) The member who has been suspended pursuant to Sub-rule (3) shall forthwith go out of the Assembly Chamber.

(5) In case the suspended member does not forthwith go out pursuant to Sub-rule (4), the Chairperson may order a Marshal to get him/her out.

(6) In case a member has been suspended or such suspension is no longer in effect, the Secretary General or Secretary shall furnish the information thereof to all Committees.

(7) In case a motion pre-informed by the member who has been suspended pursuant to Sub-rule (3) or Rule 32 has to be introduced while s/he is in suspension, the Chairperson may authorize any other member to introduce such motion.

46. Special Powers of the Chairperson to Maintain Order: (1) Notwithstanding anything contained in the foregoing paragraphs in this Chapter, in case any member disrupts or tries to disrupt peace, order or discipline in the Assembly building; or in case any member shows destructive tendencies, uses force or is about to use force inside the Assembly, tarnishing the dignity of the Constituent Assembly, the Chairperson may order the Marshals to remove the member forthwith by use of force. The Chairperson may suspend such an expelled member for up to ten days.

(2) The member suspended pursuant to Sub-rule (1) may not attend the Sittings of the Assembly or any Committee during the period of the suspension.

(3) In case a member has been suspended or such suspension is no longer in effect, the Secretary General or Secretary shall furnish the information thereof to all Committees.

47. Granting Pardon: Notwithstanding anything contained elsewhere in this Chapter, if a member expelled or suspended confesses his/her guilt and begs for a pardon, the Chairperson may, having regard to the opinion of the Sitting, grant a pardon to such a member.

48. Powers to Adjourn the Sitting: In case an obstacle arises or about to arise because of disorder created in the Sitting Chamber thereby causing hindrance in conducting business of the Assembly, the Chairperson may adjourn the Sitting for a certain

time of that day or until the time to be fixed by him/her. No member shall raise question against any such adjournment.

Chapter 9

Motions and Procedures Relating Thereto

49. No Discussion without Motion: (1) Except otherwise stated in the Constitution and these Rules, no discussion on any issue shall take place in the Sitting without prior motion,

(2) Motions to be introduced to the Sitting shall be approved by the Chairperson. The Chairperson may, in consultation with the proposing member, bring necessary amendment to the motion without tampering the main spirit of the motion.

50. Conditions for motions: No motion containing any of the following shall be admissible:-

- (a) Having the issue beyond the purview of the Constituent Assembly;
- (b) Having included more than one issue;
- (c) Containing vague, uncertain or unimportant subject matter;
- (d) Containing crude reasons, inferences, ironical expressions, irrelevant, imputations or any other hypothetical or objectionable matter;
- (e) Containing an issue within the competence of the Legislature-Parliament

51. Decision on Admissibility of Motion: The Chairperson shall decide whether or not a motion or a part thereof is admissible, and while so

deciding, s/he may disallow any motion or part thereof citing reason(s) therefor.

52. Allotment of Day and Duration of Discussion: (1) The Chairperson may, having taken into account the business in the Constituent Assembly, allot the day and the duration of discussion on a motion.

(2) After completion of the time allotted for discussion, the discussion shall terminate, and unless otherwise provided in these Rules, the Chairperson shall put every question necessary to dispose of the matter in respect of the main issue for decision in the Sitting.

53. Lapse of Motion: (1) Any motion not moved in a Sitting even after being permitted therefor shall *ipso facto* be lapsed.

(2) Except otherwise provided in these Rules, no matter substantially raising the same question which has already been discussed or decided during the current session of the Constituent Assembly shall be allowed to be raised again in the form of a new motion or amendment.

54. Prior Discussion on Motion Debarred: Where a time has been allotted to a motion for discussion in the Constituent Assembly, no other motion or amendment for discussion on the same matter shall be allowed prior to such allotted time.

55. Withdrawal of Motion: (1) The proposer may withdraw a motion already filed with the Constituent Assembly Secretariat through a written request and with the approval of the Chairperson.

Provided, that the motion already rose in the Constituent Assembly may not be withdrawn without the permission of the Constituent

Assembly, and if any amendment has been moved in respect thereof, such a motion may not be withdrawn until such amendment has been decided upon.

(2) In case more than one Member has submitted more than one motion substantially on the same matter, discussion shall be held on only one motion determined through a lottery.

56. Notice of Motion: Assembly Member intending to move a motion shall submit a notice in writing to the Secretary General or Secretary.

57. Procedures Relating to Motion: In respect of the motion to be moved under other Chapters of these Rules, the procedures mentioned in those Chapters shall apply, and in respect of the matters not mentioned in those Chapters, the procedures as provided in this Chapter and Chapter -8 shall apply.

58. Prohibition on Submission of Other Motions: Except the motions under Rule 59, no other motion may be moved under this Chapter.

59. Motion may be introduced without notice: (1) Notwithstanding anything contained in this Chapter, any of the following motions may be moved even without a notice, if the Chairperson so allows, and no matter of controversy may be raised through such a motion:-

- (a) Motion of thanks;
- (b) Motion of adjournment;
- (c) Motion to withdraw any motion or amendment;
- (d) Motion of congratulation or condolence;
- (e) Motion of adjournment of discussion;

- (f) Motion to extend the period of discussion;
- (g) Motion to extend the duration of sittings; or
- (h) Motion of closure of discussion.

(2) After submission to the Sitting upon approval of the Chairperson as to the motion referred to in Sub-rule (1), the Chairperson shall submit such a motion for decision of the Sitting.

Chapter -10

Amendments to Motions

60. Conditions Relating to Amendments: (1) Amendment with regard to any motion may be put forward subject to the following conditions: -

- (a) it must not be contrary to principles of the main motion;
- (b) it must be relevant to and be confined within the matter and working areas of the main motion;
- (c) it must not be contradictory to the earlier decision of the Sitting;
- (d) Must not be vague, futile or trivial.

(2) The member desiring to submit an amendment pursuant to sub-rule (1) shall have to state the reason(s) for the amendment to be made to the motion and what sort of amendment has to be made to which subject.

61. Notice of Amendment: (1) Any Member intending to move an amendment shall submit a notice thereof to the Secretary General or Secretary twenty four hours in advance of the day

fixed for deliberation on the motion.

Provided that a notice of an amendment may be put forward at any time before the beginning of the discussion with the permission of the Chairperson.

(2) Upon receipt of the amendment notice, a copy of each of the amendments shall be made available to all Members each.

(3) In case an amendment has been put forward without a notice as referred to in sub-Rule (1), any Member may raise an objection.

62. Powers to Accept or Reject Amendments: (1) The Chairperson shall have the power to accept or reject any amendment to a motion.

(2) The Chairperson may, for the purposes of accepting or rejecting an amendment, require the concerned Member to clarify the purpose of the amendment.

63. Moving the Amendment: The Chairperson shall read out the amendment or the amended motion or the original motion so accepted by him/her to the Sitting, prior putting it for decision. While putting for decision, the Chairperson may, if there is more than one amendment, put forth in priority any one of the amendments or the amended motion or the motion in original form as deemed appropriate by him/her.

Chapter 11

Committees of the Constituent Assembly

64. Committees may be formed: In order to assist in the Constitution-making works and other procedural works relating thereto, there may be

formed Constitutional Committee, Thematic Committees and procedural Committees under the Constituent Assembly.

65. Constitutional Committee: (1) There shall be a Constitutional Committee in the Assembly.

(2) After the submission of the preliminary draft reports of the Thematic committees referred to in Rule 66 along with the concept paper on the subjects within their respective working areas, it shall be the main duty of the Committee formed pursuant to Sub-Rule (1) to prepare a draft of the Constitution on the basis of report received from such Committees, suggestions and directives given by the Assembly upon having discussion on those reports, and to introduce the draft to the Constituent Assembly.

(3) Notwithstanding anything contained in Sub-rule (2), the responsibility to prepare the preliminary draft of the preamble of the Constitution and to identify such subjects as are not covered within the working areas of any of the committees but that need to be incorporated in the Constitution; to prepare the preliminary draft report on such subjects along with the concept paper; and to introduce them in the Assembly shall rest with the Constitutional Committee.

(4) There shall be sixty three[^] members in the Constitutional Committee and while nominating members to the said Committee, proportional inclusion shall be made on the basis of political structure in the Assembly and the presence in the Assembly of women, indigenous/tribal people, Madhesi, *Dalit*, backward regions, Muslims and other minority

[^] Amended by First Amendment on December 29, 2008.

communities having made representation of all political parties representing to the Assembly.

(5) The Chairperson shall propose for formation of the Constitutional Committee along with the names of the members in the Committee before the Assembly.

(6) The members of the Committee shall elect the Chairperson of the Committee from among themselves.

(7) The term of office of the Constitutional Committee shall be throughout the term of office of the Assembly.

(8) The Constitutional Committee may, having specified the works to be carried out for performing certain function under its responsibility and the time duration required for it, form taskforces or sub-committees as may be required.

(9) The work of drafting of the Constitution by the Constitutional Committee shall be carried out in confidential manner. Prior to beginning their work, the members of the Constitutional Committee shall take an oath of secrecy before the Chairperson in the format referred to in Schedule-4.

(10) In addition to whatever provided for in these Rules, other procedures of the Constitutional Committee shall be as determined by the Committee itself.

66. Thematic Committees: There shall be the following thematic committees in the Constituent Assembly in order to prepare the preliminary draft along with concept paper on the subjects assigned to individual Committee among the various subjects to be incorporated into the Constitution.

The name and working areas of the committees shall be as follows:-

| S.N. | Name of Committee | Working areas |
|------|---|--|
| 1. | Committee on Fundamental Rights and Directive Principles | <ul style="list-style-type: none"> • Identification of fundamental rights • Grounds of restrictions on fundamental rights • Provisions relating to implementation of fundamental rights • Directive principles and policies of the state • Provision relating to special protection of rights of all minority communities including women, children, youths, laborers, peasants, madhesi, indigenou/tribal communities, dalit, backward regions, incapacitated persons, Muslims • Provisions relating to citizenship • Other necessary matters relating to the working areas of the Committee |
| 2. | Committee for Protection of Fundamental Rights of Minority and Marginalized Communities | <ul style="list-style-type: none"> • Definition of minority and marginalized communities • Identification of down trodden, isolated or excluded groups including tribal communities • Provisions for the protection of minority and marginalized communities • Measures for inclusion in the system of state affairs • Other necessary matters relating to the working areas of the Committee |
| 3. | Committee for Restructuring of the State and Distribution of State Powers | <ul style="list-style-type: none"> • The structure in the federal democratic republican form of the state • The principles and bases for determining the areas of the federal units |

| S.N. | Name of Committee | Working areas |
|------|--|---|
| | | <ul style="list-style-type: none"> • Delimiting the boundaries and naming of each of the federal units • Division of legislative, executive and judicial powers among the governments in various levels of federal units • Determining the contents of working areas of federal units of various levels and the common subjects • Determination of interrelationship of legislative, executive and judicial powers among federal units • Mechanism for adjudication of disputes that may arise between the federal units • Other necessary matters relating to the working areas of the Committee |
| 4. | Committee on Determination of the Form of the Legislative Organs | <ul style="list-style-type: none"> • Structure and methods of formation of the legislature in the various federal units. • Inter-relationship among the legislatures of various levels of federal units • Legislative procedures. • Financial management procedures. • Additional issues related to the working areas of the Committee |
| 5. | Committee on Determination of Form of Governance of the State | <ul style="list-style-type: none"> • Nature and outlines of system of governance • Election system • Format of executive organ at various levels • Division of executive powers at various levels • Inter-relationship between governments at various levels • Formation and Functioning of government services. • Bases of good governance. |

| S.N. | Name of Committee | Working areas |
|------|--|--|
| | | <ul style="list-style-type: none"> • Other necessary matters relating to the working areas of the Committee |
| 6. | Committee on Judicial System | <ul style="list-style-type: none"> • Format of the judicial structure • Tiers, forms and jurisdiction of judiciary • Appointment, Dismissal, other terms and conditions of service, powers, duties and responsibilities of the judges, and additional issues relating thereto • Constitutional status, powers and duties of Attorney General • Other necessary matters relating to the working areas of the Committee |
| 7. | Committee on Determination of Structure of Constitutional Bodies | <ul style="list-style-type: none"> • Identification of Constitutional bodies required for operation of the system of governance and determination of their forms • Formation, functions, powers and duties of Constitutional bodies. • Relationship of the Constitutional bodies with various levels of governments. • Other necessary matters relating to the working areas of the Committee |
| 8. | Committee on Division of Natural Resources, Financial Powers and Revenue | <ul style="list-style-type: none"> • Division of subject-matters of financial sources. • Measuring criteria for the division of income sources. • Financial relationships between governments at various levels. • Other necessary matters relating to the working areas of the Committee |
| 9. | Committee on Determination of Bases for Cultural and Social Solidarity | <ul style="list-style-type: none"> • The functional government languages in the federal units of various levels. • Preservation of other national languages and cultures. • Other issues related to language. |

| S.N. | Name of Committee | Working areas |
|------|--|--|
| | | <ul style="list-style-type: none"> • Determination of bases of social solidarity. • Other necessary matters relating to the working areas of the Committee |
| 10. | Committee for Protection of National Interests | <ul style="list-style-type: none"> • Identification and definition of national interests of Nepal. • Measures for Constitutional protection of sovereignty, integrity and national unity • Management of international boundaries of Nepal. • Preservation of national heritage. • International relations. • International treaties • National security. • Duties of the Nepal Army and its operation • Other necessary matters relating to the working areas of the Committee |

67. Procedural committees: The following procedural Committees may be set up to support administrative work necessary for the effective running of the Constituent Assembly's Constitution-formation activities. The title and working areas of these Committees shall be as follows:-

| S.N. | Title | Working areas |
|------|------------------------------|---|
| 1. | Committee on Civic Relations | <ul style="list-style-type: none"> • Establishment of a mechanism for easy access of citizens to the Constituent Assembly, and its implementation • Provision of an effective system for dissemination of information to citizens about the Constituent Assembly, the Constitution-making process and its general activities, and coordination with other collaborators |

| S.N. | Title | Working areas |
|------|---|--|
| | | <ul style="list-style-type: none"> Monitoring and evaluation of all activities conducted by government agencies, NGOs and INGOs, civil society, media, with regard to the Constituent Assembly, Constitution-making processes and its regular activities. Informing citizens on the process for participation in the Constitution-making. Monitoring of the media centre. |
| 2. | Committee on Collection and Coordination of Public Opinions | <ul style="list-style-type: none"> Publicity through various means of communication of the draft of the Constitution for collection of public opinion and suggestions on the draft Constitution. Conducting or causing to conduct public hearings on the draft of the Constitution. Organization of interaction programs, seminars and workshops. Maintaining record and manage the suggestions obtained through various means from within the country or abroad derived on personal or institutional manner. Preparing a report of the suggestions and to submit to the Constituent Assembly |
| 3. | Committee on Capacity Development and Resources Management | <ul style="list-style-type: none"> Organizing interaction programs for Constituent Assembly members on the Constitution and Constitution-making process. Conducting studies and researches on the Constitutional subject-matters. Making provision of resource materials for members and their distribution. Developing and managing a resource centre. |

68. Assigning Additional Subjects: The Chairperson may assign the subjects not covered within the working areas of the Committees referred to in Rules 65, 66 and 67 to be included in the working areas of such Committee as s/he may deem appropriate.

69. Formation of Committees: (1) The Chairperson shall, with the consent of the Assembly, nominate forty-three members in maximum in each of the committees referred to in Rules 66 and 67.

(2) While nominating members to each of the committees, proportional representation shall be made on the bases of political structure in the Assembly and the presence in the Assembly of women, indigenous/tribal people, Madhesi, *Dalit*, backward regions, Muslims and other minority communities having representation of all political parties representing to the Assembly.

(3) No member shall be nominated to more than one Committee at the same time.

(4) Notwithstanding anything contained in Sub-Rule (3), in case any member desires to attend and take part, in sittings of the Committee in which s/he is not a member as may be necessary, s/he may be present in the Sitting having given an information thereof at least one day in advance of the date of the Sitting to the Chairperson of the concerned Committee.

Provided that s/he shall not have voting right in such Committee.

70. Election of the Committee Chairperson: (1) The election of a Committee Chairperson shall be held on the day fixed by the Chairperson, and notice to this effect shall be published by the Secretary General or Secretary forty eight hours in advance.

(2) For the election of a Committee Chairperson, a member may furnish the notice of the motion to the Secretary General or secretary by 5.00 pm of the day before the day of election having proposed another member to be elected as the Committee Chairperson and having been seconded by another member. Such a notice shall have to be accompanied with a statement of consent of the proposed member that, “if elected, I agree to carry out the works of the Committee Chairperson.”

(3) After the proposing member introduces a notice of motion referred to in Sub-rule (2) in the Sitting, the supporting member shall support it.

(4) In case only one of such notice of the motion referred to in Sub-Rule (2) has been received, the person presiding over shall, upon completion of the statement by the supporting member, declare that the proposed member has been elected unopposed to the office of the Committee Chairperson. In case there have been received more than one notice of motion, the proposing members shall introduce and supporting members shall support their respective motions on the order of registration and thereafter, discussion shall be held on all the motions and thereafter, the person presiding over shall present the motions for decision one by one.

(5) While submitting a motion for decision pursuant to Sub-Rule (4), the members in favour of the motion shall be asked to pronounce the word “yes” and the members against the motion to pronounce “no” and the member securing majority shall be declared to be elected.

(6) In case more than one motion are submitted for decision to the Assembly pursuant to Sub-Rule (4), after any of such motions is approved, the member proposed in the said motion shall be deemed to have been elected to the office of the Committee Chairperson and the rest of the motions need not be submitted for decision.

(7) The senior most member currently presiding over the Sitting shall also have the voting right. In case of equal division of votes, it shall be decided on the basis of lottery.

(8) No minister shall be elected to the office of the Committee Chairperson and to preside over a Sitting of a Committee.

(9) In case there is no Committee Chairperson or s/he is absent, the senior most member from among the members present in the Sitting shall preside over the Sitting.

(10) In case the member presiding over the first Sitting has been proposed to the office of the Chairperson, the second eldest member who has not been proposed to the office of the Chairperson shall preside over the Sitting on that day.

(11) The member elected to the office of the Committee Chairperson shall take an oath of office in the format referred to in Schedule-5.

71. Tenure of Committee: The tenure of the Committees referred to in Rules 66 and 67 shall be for the tenure of the Constituent Assembly. The Chairperson may, with the consent of the Assembly, change or alter in the members of the committees.

72. Circumstances for Vacancy of Office of Chairperson or Member: (1) The office of the Committee Chairperson shall fall vacant in any of the following circumstances:-

- (a) In case s/he is no longer a member of the Constituent Assembly,
- (b) If s/he is appointed to as a minister;
- (c) If s/he has tendered resignation;

(2) The office of member of a Committee shall fall vacant in any of the following circumstances:-

- (a) In case s/he is no longer a member of the Constituent Assembly;
- (b) if s/he has tendered resignation from the office of a Committee member;
- (c) if s/he is no longer a member owing to alteration in members pursuant to Rule 71.

(3) In case the office of the Committee Chairperson falls vacant, it shall be filled according to Rule 56 and in case the office of a Committee member falls vacant, it shall be fulfilled pursuant to Sub-rule (1) of Rule 69, and the tenure of such committee Chairperson shall be only up to the rest of the period.

(4) In case the office of the Committee Chairperson falls vacant pursuant to Sub-rule (2), it shall be fulfilled within a month pursuant to Rule 70.

73. Function, Duties and Powers of the Thematic Committees: (1) The functions, duties and powers of each of the Thematic Committees, within the working areas determined by these Rules, shall be

as follows:-

- (a) To prepare a list of activities to be carried out on the concerned subject under the working areas of the Committee, and prepare a work schedule of the same;
- (b) To collect relevant materials on the subjects under the working areas of the Committee, and to conduct discussions and studies;
- (c) To seek technical advice from specialists on the subject under the working areas of the Committee, to conduct public hearings, collect suggestions, organize seminars and workshops, and to conduct field visits with the approval of the Chairperson.
- (d) To prepare a preliminary draft, including a concept paper on the subject under the working areas of the Committee, and to submit its report to the Constitutional Committee.
- (e) To form sub-Committees and determine their functions, duties and powers in order to carry out studies, research and related activities on the subject under the working areas of the Committee, whenever required.

(2) Notwithstanding anything contained elsewhere in these Rules, all members of the Committee shall have to sign on the reports of the Committee.

(3) In case it is not possible to have joint signature pursuant to Sub-rule (2), at least majority of the members shall have to sign on the report.

(4) In case any member desires to sign with his/her dissenting opinion, the Committee Chairperson shall make necessary provision for signature along with a note of dissent.

74. Functions, Duties and Powers of Procedural Committees: (1) Subject to the sphere of working areas determined by these Rules, the functions, duties and powers of each of the Procedural Committees shall be as follows:-

(a) To prepare a work list on the activities to be carried out on the concerned subjects under the Committee's working areas, and to prepare a work schedule for the same;

(b) To form sub-Committees and determine their functions, duties and powers in order to carry out studies, researches and other relevant activities on the concerned subjects under the working areas of the Committee as may be required;

(c) To complete all works entrusted to it within the allotted time and in the manner specified, and to submit a report thereof to the Assembly.

(d) To carry out other works as assigned by the Assembly.

(2) Notwithstanding anything contained elsewhere in these Rules, all members of the Committee shall have to sign on the reports of the Committee.

(3) In case it is not possible to have joint signature pursuant to Sub-rule (2), at least majority of the members shall have to sign on the report.

(4) In case any member desires to sign with his/her dissenting opinion, the Committee Chairperson shall make necessary provision for signature along with notes of dissent.

75. Sitting of Committee: (1) The Committee Secretary shall call a Sitting of the Committee as directed by the Committee Chairperson. The Committee Chairperson shall specify the time, venue and agenda of the Sitting.

(2) The Committee shall meet as may be required.

(3) The Sitting shall be presided over by the Committee Chairperson or in his/her absence, the member chosen by the Committee members from among themselves shall preside over the Sitting;

(4) While presiding over the Sitting by any member other than Committee Chairperson, s/he may exercise all powers which is vested in the Committee Chairperson.

(5) The Committee Chairperson shall inform the Chairperson in advance in case the Committee has to sit outside the Secretariat compound.

76. Quorum: (1) The quorum of the Committee shall be one-fourth of the total number of members in the Committee.

(2) The Committee Chairperson may postpone the Sitting for sometime or days if the required quorum is not constituted.

(3) In case the Sitting needs to be put off for two consecutive times due to lack of the required quorum as referred to in Sub-Rule (2), the Committee Chairperson shall furnish information thereof to the Chairperson.

77. Actions on Continuous Absence: The Chairperson may, on the recommendation of the Committee Chairperson, expel any member who remains absent in the Sitting of the Committee for four consecutive times without permission of the Committee Chairperson and information thereof shall be given to the Assembly.

78. Decision of Committee: (1) Decisions made by the majority of Committee members at the Sitting shall be considered to be the decision of the Committee itself. In case of a tie of votes, the member presiding over the Sitting shall exercise a casting vote.

(2) The Committee Chairperson and the Secretary shall authenticate the decision of the Committee.

79. Formation of sub-Committees: (1) In case the Committee Chairperson deems it appropriate, s/he may form a sub-Committee comprising of the Committee members in order to study on a particular subject under the Committee's working areas and to submit report thereof.

(2) While forming a sub-Committee, the works of the sub-Committee and the time duration for completing such works shall be specified. The concerned specialists may also be invited to a sub-Committee as may be required. In case invited such specialists have to be present in the sub-Committee.

(3) In case the Members need to visit

places or conduct Sittings of the sub-Committee outside of the Secretariat compound in order to conduct studies and to submit report pursuant to Sub-rule (1), a prior approval of the Chairperson shall be obtained through the Committee Chairperson.

80. Entry of Concerned Official or Expert: (1) Committee Chairperson may, if deems necessary having regard to the nature of the subject, instruct the concerned official of the Government of Nepal or an Expert who could provide authentic and clear information on the subject at hand to attend a Committee Sitting. It shall be the duty of the concerned official or expert to be present at the Committee and to furnish accurate information on the required matter.

(2) The Committee may, if it deems necessary, invite the concerned stakeholders, pressure group, beneficiary group or experts to attend the Committee Sitting in order to discuss with them on the issues under consideration.

(3) It shall be the duty of the concerned official or expert or concerned expert to be present at the Committee as referred to in Sub-Rule (2) and to furnish accurate information on the required matter.

81. Discussion to be made short: Whether or not the time is allocated for having discussion, in case the Committee Chairperson deems that the discussion in the Committee is prolonged unnecessarily, s/he may shorten the discussion.

82. Committee report: (1) The Committee Chairperson or in absence of the Committee Chairperson, the Member assigned by him/her shall submit the report of the Committee.

(2) While submitting the report pursuant to Sub-Rule (1), the Committee Chairperson or the Member may give a short statement about the report, if he/she so desires.

(3) The Chairperson may, if s/he deems necessary, order to print the report of the Committee which could not have been submitted to the Assembly for not convening of the Sitting for the time being. Such order and the report shall be submitted to the Assembly once the Sitting has been resumed.

(4) The Chairperson shall allot time for having necessary discussion on the reports submitted to the Assembly.

(5) The concerned Committee Chairperson may, within two days of the date of submission of such report to the Assembly, give notice to the Chairperson for having discussion on the report submitted to the Assembly.

(6) In case the notice referred to in sub-Rule (5) is received, the Chairperson shall give permission to the concerned Committee Chairperson to submit a motion for having discussion on the report in any Sitting to be held at any time after two days.

(7) The concerned Committee Chairperson may deliver a short statement while submitting the proposal. Thereafter, the Chairperson shall fix the duration of time for discussion.

(8) The concerned Committee Chairperson or the member designated by him/her shall give replies to the questions raised during the discussion.

(9) Upon completion of discussions in the Assembly on the reports relating to the

preliminary draft along with conceptual note on the Constitution submitted by the Constitutional Committee and the sectoral committees, all reports and the suggestions of the Assembly, if any, shall be passed by the Assembly and be forwarded to the Constitutional Committee.

83. Powers to Maintain Good Order and Discipline in the Committee: (1) The Committee Chairperson shall have all powers vested in the Chairperson pursuant to Chapter-8 and Rule 163 in order to maintain peace and order as well as discipline in order for the smooth running of Committee sittings.

(2) While exercising the powers referred to in Sub-rule (1), if any Member is suspended or expelled, the Committee Chairperson shall inform the matter to the Chairperson.

Provided, that if any Member is expelled or suspended, he/she shall not be considered to be expelled or suspended from other Committee of the Assembly.

84. Informing About Absence: The member remaining absent for five consecutive days in the sittings of the Committee shall have to furnish the information thereof along with its reasons to the Committee Chairperson and in case of the absence of the longer time, the information thereof shall be given to the Chairperson and get it approved by the Chairperson.

85. Secretariat of the Committees: (1) There shall be a Secretariat for each Committee under the Constitution Assembly Secretariat.

(2) The Secretary shall be an *ex-officio* secretary of each of the Committees.

(3) The Secretary may assign any officer

under him/her to carry out function as Secretary of any Committee of the Assembly.

Provided that these Rules shall not be deemed to have barred the Secretary General to assign an officer under him to act as Secretary of the Committee in case the office of the Secretary falls vacant.

(4) The Committee Secretariat shall, under the control and direction of the Secretary General, manage for human resources including draftspersons, specialists and physical resources and means.

86. Determination of Working Areas of Committees:

(1) Prior to carrying out functions upon formation of Committee, each Committee shall prepare a works list of the works to be performed on the subjects within its working areas and the Committee shall also prepare the works schedule for completion of such works.

(2) With regard to the works list of each of the Committee prepared pursuant to Sub-Rule (1), discussion shall be held having called the Sitting of Chairpersons of all committees as referred to in Rule 88 under the Chairpersonship of the Chairperson. In case it seems from the discussion that the subject-matters must be more clarified or duplication must be avoided or uniformity must be maintained, the works lists shall be finalized having completed such processes.

(3) In case confusion arises as to the working areas of any committee while having discussion pursuant to sub-rule (2), the decision of the Chairperson shall be final.

87. Joint Sittings of the Committees: The Chairperson may call joint Sittings of two or more Committees

to conduct discussion on any common issue, if required. Such Sittings shall be presided over by the Committee Chairperson assigned by the Chairperson. Decisions made by the joint Sittings shall be incorporated into the reports of both Committees.

88. Sittings of the Committee Chairpersons: Sittings of the Committee Chairpersons shall be held from time to time to evaluate the performance and effectiveness of the Committees under the chairpersonship of the Chairperson as may be necessary. The Committee secretaries may take part in such Sittings.

89. Other Committees may be formed: Notwithstanding anything contained elsewhere in this Chapter, the Chairperson may, with the consent of the Assembly, form Committee in other nature as may be necessary for assisting in the functions of the Constituent Assembly in addition to the committees referred to in this Chapter and determine the working areas of such a Committee.

Chapter 12

Procedures for Passing the Bill of Constitution

90. Notice for Request to Present the First Draft Bill of Constitution: Subject to the Constitution and these Rules, the Chairperson of the Constitutional Committee or the member designated by him/her shall introduce to the Assembly the first draft Bill of the Constitution. The member presenting the Bill shall furnish the Secretary General or Secretary a notice thereof having enclosed therewith the objectives and reasons of introducing the Bill. Unless otherwise directed by

the Chairperson, such a notice shall be furnished at least seven days in advance.

Explanation: For the purpose of this Chapter, “Draft Bill of the Constitution” refers to a complete document including the Preamble, Articles, Sub-articles, Clauses and Schedules.

91. Motion Seeking permission to submit the first draft of the Bill: (1) The Chairperson of the Constitutional Committee or a member of the same Committee designated by him/her shall ask for the Chairperson’s permission to introduce the first draft Bill of the Constitution to the Assembly.

(2) After receiving permission to introduce the first draft Bill of the Constitution pursuant to Sub-rule (1), the Chairperson of the Constitutional Committee or a member of the same Committee designated by him/her shall forthwith introduce the first draft of the said Bill before the Assembly, and after introduction of the first draft of the Bill, s/he shall introduce the following motions:-

- (a) That theoretical approval be given to the first draft Bill of the Constitution and it be made public having been published in the Nepal Gazette in order to elicit public opinion; and
- (b) That the draft Constitution be handed over to the Public Opinions Collection and Coordination Committee in order to transmit and publicize the first draft of the Bill, to collect suggestions and to submit report thereof.

(3) A copy of the first draft Bill shall be made available to each of the members at least

four days before submitting the motion in accordance with Sub-rule (2).

92. Procedures for Obtaining Opinions of General Public: (1) After approval of the motion that the first draft Bill of the Constitution be publicized for collection of opinion of people, the Chairperson of the Public Opinions Collection and Coordination Committee shall prepare a plan of actions to publicize the draft of the Bill, and also to collect public opinion on it and shall submit the plan of action to the Assembly for approval.

(2) The plan of actions approved pursuant to Sub-rule (1) shall be published in public newspapers and works shall be completed within the time referred to in the plan of actions and report thereof shall be submitted to the Assembly.

93. Procedures after receiving of Public Opinion: After opinion of people has been received pursuant to Rule 92, and after the report of the Public Opinions Collection and Coordination Committee has been submitted to the Assembly, the Assembly shall conduct discussion on the report and send the first draft Bill of the Constitution, the report relating to people’s opinion, and directives of the Assembly to the Constitutional Committee along with necessary directives for submission of the revised Bill of the Constitution to the Assembly.

94. Motion that the revised Bill be considered: (1) The Constitutional Committee shall make necessary revision on the Bill of the Constitution according to the directives given by the Assembly pursuant to Rule 93 having conducted discussion on the report received pursuant to Rule 92 and after such revision is over, the Chairperson of the

Constitutional Committee or a member of the same Committee designated by him/her shall, with the approval of the Chairperson, introduce the revised draft Bill of the Constitution to the Constituent Assembly.

(2) A copy of the revised draft Bill of the Constitution that has been introduced to the Assembly pursuant to Sub-rule (1) shall be made available to each of the members at least three days before having general discussion in the Assembly.

95. General Discussion on Bill: (1) After the Bill of the Constitution is introduced pursuant to Rule 94, the Chairperson shall specify the time and date for having general discussion on the draft Bill.

(2) During general discussion, only theoretical aspects of the draft Bill shall be taken into consideration. While having discussion in such a manner, no discussion shall take place on Articles of the Bill unless it seems necessary to clarify in the basic structure of the Bill of the Constitution and no amendment may be allowed to the Bill.

96. Authorization for Presentation of Motion: In case the Chairperson is satisfied that the Committee Chairperson is unable to submit the draft Bill in person, any member of the Committee assigned by the Chairperson may introduce a motion with regard to the Bill.

97. Notice to amend the draft Bill: Any member desiring to bring an amendment to the draft Bill shall, within one week from the date of completion of general discussion over the Bill, furnish a notice to the Secretary General or Secretary along with the amendment s/he is willing to bring.

98. Conditions Relating to Amendment: (1) An amendment to the Bill may be brought subject to the following conditions:-

- (a) The amendment shall be related to the subject of the Bill and shall be within the sphere of the Bill.
- (b) The amendment shall not be against the underlying principle of the Bill.
- (c) The amendment shall not be unclear, meaningless or insignificant.
- (d) The amendment brought to any Article shall be related to the subject dealt in that particular Article.
- (e) The amendment shall not be against the report of the Committee related to the concept adopted by the Assembly pursuant to Sub-Rule (9) of Rule 82 and the principles approved pursuant to Sub-Rule (2) of Rule 95.
- (f) It shall be clearly stated that which provision or clause in which Article or Sub-article or Part of the Bill have to be replaced with the suggested provision or clause.

(2) Subject to this Rule, the Chairperson shall have powers to accept or refuse any amendment or to call upon the concerned Member to make improvement thereon, or to accept them by consolidating more than one amendments of the same intention into a single amendment.

99. Order of amendments: The amendments approved by the Chairperson shall be kept in order in the amendment list.
100. Procedures After Completion of General Discussion: After general discussion on the amended Bill is completed, the presenting Chairperson may propose to pass the Bill having gone through clause by clause discussion in the Assembly.
101. Discussion on Articles with Amendments: (1) While considering over the amendments, it shall, normally, be considered on the order of Articles of the Bill of the Constitution and the member whose name has been called by the Chairperson or the member authorized by him/her shall submit the amendment.
- (2) For each of the Articles remained as it is or amended to upon discussion on an amendment, the Chairperson shall put a motion for decision stating, “let this Article form a part of the Bill.”
- Provided that in order to avoid duplication in discussions for saving time, permission may be given to have discussion together on one Article or amendments interrelated thereto and in the course of discussion on various Articles, any part of the Bill or Article may be put for discussion having them rearranged or any part or Article of the Bill may be put pending with a condition to have discussions on it later on.
102. Withdrawal of an amendment: The member presenting an amendment may withdraw it with the approval of the Sitting.
103. Discussion on Schedules: Unless the Chairperson otherwise decides, discussions on the schedules

- and amendments received thereto shall begin immediately upon completion of discussion on the concerned Article and the questions to be put in course of decision of the Sitting shall also be presented in the same order.
104. Presentation of Preamble and Short Title: Only after having decision on all other Articles and schedules in the Bill of the Constitution, the Chairperson shall submit the motion at the last to make the Preamble of the Constitution and its short title as an organ of the Bill as it is in the original form or in amended form.
105. Motion to approve the draft Bill: The presenting member shall propose to approve the draft Bill, after the clause by clause discussion has concluded.
106. Procedures to Approve the Bill of Constitution: The Constituent Assembly shall, while passing the Bill of the Constitution, follow the procedures referred to in Article 70 of the Constitution.
107. Chairperson’s Power to Make Consequential Improvements : The Chairperson may, in case s/he deems it necessary as per the recommendation of the Committee referred to in sub-Rule (2), rearrange the serial number of the Articles of the Bill adopted by the Assembly and make necessary consequential improvements on it.
- (2) There shall be a Committee as follows in order to make recommendation to the Chairperson in order to rearrange the serial number of Articles in the Bill of the Constitution and to make consequential improvements in case some errors are found in the Bill and in some other minor subjects:-

- (a) Chairperson of the Constitutional Committee -Ex officio Chairperson
- (b) Four members nominated by the Chairperson on the recommendation of the Conduct of Business Advisory Committee - Members

(3) In case any member finds any subject which requires consequential improvements in the Bill of the Constitution adopted by the Assembly, s/he may give the notice thereof to the Committee formed pursuant to sub-Rule (2).

108. Authentication of the Bill: (1) Each member of the Constituent Assembly shall sign on the end of the Bill approved by the Constituent Assembly.

(2) The Bill of the Constitution that has been approved by the Constituent Assembly and signed by the members pursuant to Sub-rule (1) shall, upon authentication by the Chairperson, be in the form of the Constitution.

Provided that authentication of the Bill of the Constitution shall not be hindered merely on the ground that any member has yet to sign on it.

(3) The Constituent Assembly shall organize a formal national ceremony on the date fixed for the commencement of the Constitution in the Constitution authenticated pursuant to Sub-Rule (2) and the Chairperson shall submit to the President a copy of the Constitution so adopted and the President shall, through the same ceremony, declare the commencement of the new Constitution having made the Constitution public to Nepali people.

(4) One copy of the Constitution authenticated pursuant to Sub-rule (2) shall be

kept in the archive of the Constituent Assembly Secretariat, and one copy of it shall be sent to the Office of the President, Office of the Prime Minister and Council of Ministers and the Ministry of Law, Justice and Constituent Assembly Affairs each.

Chapter 13

Privileges Committee

109. Formation of the Privileges Committee: (1) There shall be a Privileges Committee in the Assembly. The Chairperson shall nominate up to 29 members for this Committee with consent the Assembly.

Provided that, no Minister shall be allowed to be a member of the Privilege Committee.

(2) While nominating members to the Privileges Committee, due attention shall be paid to knowledge, experience of the member and the party, gender, ethnic and regional structure in the Assembly.

(3) The members of the Committee shall elect the Chairperson of the Privileges Committee from among themselves.

(4) The tenure of the Chairperson and members of the Committee shall be throughout the tenure of the Constituent Assembly.

(5) The member elected to the office of Chairperson of the Committee shall take an oath of office in the presence of the Chairperson in the format referred to in Schedule-5.

110. Regulations to apply: With regard to the provisions of falling vacant the office of the Chairperson or of a member of the Privileges Committee, of fulfilling the vacant office, of

presiding over the Sitting by the senior most member, of the quorum, of the Committee's Sittings and decisions; the Rules referred to in Chapter 11 shall be applicable *mutatis mutandis*.

111. Notice on Questions Relating to Privileges: (1) In case any member deems that privileges of the Constituent Assembly has been violated, the member shall furnish the Secretary General or the Secretary a written notice stating therein basis of the question of violation of the privileges. In case such a notice has been furnished on the basis of a document, such document itself be produced and in case s/he could not get such document, the contents of the violation and the place of the location of the document shall be stated in the notice.

(2) The Secretary General or the Secretary shall furnish information about the notice received pursuant to Sub-Rule (1) to the Chairperson and the Chairperson of the Privileges Committee as soon as possible and the Sitting shall be called as per the directive of the Chairperson of the Committee.

112. Conditions for raising the question of Privileges: The questions regarding to the violation of privileges shall be directly related to incident happened after adjournment of the last Sitting or during the current Sitting.

113. Preliminary investigations into the question of Privileges: (1) The Privileges Committee shall carry out preliminary investigations on the violation of privileges in question.

(2) During the preliminary investigation, the Privileges Committee may conduct simple enquiries with the concerned people, as well as collect documentary evidence.

(3) While conducting preliminary investigations, in case Privileges Committee finds a *prima facie* case and deems appropriate to raise the question of violation of privileges, it shall submit a preliminary report thereof to the Assembly; and in case it finds that it is not appropriate to allow to raise the question of violation of privileges, it shall give the information thereof to the Chairperson and the concerned member along with the reasons thereof.

114. Methods of Raising Question of Privileges: (1) The member desiring to raise a question of violation of privileges may, having obtained permission of the Chairperson upon submission of the report of the Privileges Committee, ask for permission of the Sitting having given brief information on the question raised.

(2) In case any member opposes that the question of violation of privileges be not brought into discussion, the Chairperson shall order the members desiring to give permission to stand up and in case sixty one or more members, excluding the members of the Privileges Committee, stand up, it shall be deemed that the permission of the Sitting has been obtained and in case less than that number of members stand up, it shall be deemed that the permission of the Sitting has not been obtained.

115. Forwarding the question to the Privileges Committee: (1) In case a permission has been obtained from the meeting pursuant to Rule 114 in order to raise the question of violation of privileges, any member may introduce a motion that the Assembly itself consider on such a question or it be referred to the Privileges Committee.

(2) After introduction of the motion pursuant to sub-rule (1), the Chairperson shall fix the time for discussion on the motion.

(3) Upon completion of the discussion pursuant to Sub-rule (2), the member proposing the question may, with the consent of the Constituent Assembly, withdraw it if s/he so desires. In case no motion has been withdrawn, the Chairperson shall submit the motion to the Sitting for decision.

(4) In case the motion that the question of privileges be considered by the Assembly has been approved, the Assembly may, having exercised the powers referred to in Sub-Rules (3), (4) or (5) of Rule 116, decide on the said question. In this regard, the Chairperson may follow appropriate procedures.

(5) In case the motion that the question of privileges be referred to the Privileges Committee has been approved, the Chairperson may send the approved motion along with necessary documents to the Committee to investigate into the matter and to submit the report thereof.

116. Procedures and Powers of the Privileges Committee:

(1) The Privileges Committee shall take action immediately after the documents along with the approved motion are made available.

(2) The Privileges Committee Chairperson may manage the procedures of the Committee under the direction of the Chairperson.

(3) The Privileges Committee may, in the course of the investigation, issue an arrest warrant or summon against the accused person, summon the witnesses, examine evidences, require submitting documents or recording a statement.

(4) The Privileges Committee may take actions against the accused person having detained him/her in custody if it deems necessary. In case the Privileges Committee has detained any one in such a manner, information thereof shall be furnished to the Assembly. In case the Assembly invalidates the said action, the detained person shall be released as soon as possible.

(5) The Privileges Committee may seek cooperation from the officials other than that of the Constituent Assembly Secretariat.

117. Report of Privileges Committee:

(1) The Privileges Committee shall, having conducted investigation into each of the questions forwarded to it by the Constituent Assembly and having provided a reasonable opportunity to the person against whom the charge has been made to defend himself/herself and having considered over all the relevant facts, decide whether or not the privilege has been violated and submit a report to the Assembly having stated the causes and bases thereof along with recommendations.

(2) A copy of the report shall be distributed to each of the members at least one day prior to the date on which the discussion is going to be held on the report referred to in Sub-rule (1).

118. Consideration on Report:

(1) After submission of the report of the Privileges Committee to the Assembly, the Chairperson of the Privileges Committee or in his/her absence, the senior most member of the Committee shall submit a motion that the report be considered over on the date and at time specified by the Chairperson.

(2) After submission of the motion that the report be considered over, there shall be discussion on the report in the Sitting.

119. Amendment may be submitted: (1) While having discussion on the report pursuant to sub-Rule (2) of Rule 118, an amendment motion may be submitted as per the procedures determined by the Chairperson or stating that the report be sent to the Privileges Committee for conducting investigation again on any special matter.

(2) After having brief discussion on the amendment submitted pursuant to sub-Rule (1), it shall be submitted for decision of the Constituent Assembly.

(3) In case the amendment that the report be sent back to the Privileges Committee referred to in sub-Rule (1) has been approved, the said report shall be sent back to the Committee. After the report has been returned back in such manner, the Committee shall conduct investigation again and send its report to the Assembly within seven days.

120. Motion that the Report be approved: (1) Upon completion of discussion on the report pursuant to sub-Rule (2) of Rule 118 or upon submission of the report from the Privileges Committee pursuant to sub-Rule (3) of Rule 119 again, any member may introduce a motion that the recommendations referred to in the report be approved.

(2) After submission of the motion pursuant to Sub-rule (1), if any member desires to submit an amendment motion, s/he may submit the amendment motion in the manner deemed appropriate by the Chairperson.

(3) After having brief discussion on the motion submitted pursuant to Sub-rule (1) or the amendment motion submitted pursuant to Sub-rule (2), the Chairperson shall cause to make decision on the amendment and submit the

question of violation of the privilege for decision of the Constituent Assembly.

121. Pardon or Remission of Punishment: (1) In case the accused has been punished on the offence of breach of privilege as per the decision of the Constituent Assembly, such person may submit petition through the Chairperson with an apology.

(2) Any petition received pursuant to Sub-Rule (1) shall be presented to the Assembly by the Chairperson and if the Assembly is satisfied with the apology made by the accused, it may grant a pardon or remit the punishment imposed on him/her.

Chapter 14

Motion of Impeachment against President or Vice-President

122. Motion of Impeachment against the President or Vice-President: (1) In case any Member desires to move a motion of impeachment in the Assembly against the President or Vice-President pursuant to Article 36E. or 36H. of the Constitution stating that the President or the Vice-President has committed serious violation of the Constitution, s/he shall furnish the notice of introducing such motion to the Secretary General having acquired the concurrence of one fourth of the members of the Constituent Assembly and having stated the causes and bases of moving such a motion.

(2) Upon receipt of the motion under Sub-rule (1), the Secretary General shall present it to the Chairperson. The date and time for having discussion on such motion in the Assembly shall be prescribed within seven days from the date of filing of such motion.

(3) After being called upon by the Chairperson on the date and time prescribed pursuant to Sub-rule (2), the Member moving the motion shall introduce the motion of impeachment in the Assembly and he may, if s/he so desires, give a statement prior to introducing such a motion.

(4) After the motion referred to in Sub-rule (3) is introduced, the Chairperson shall fix the time for having discussion on the motion and after such discussion is over, the Member moving the motion may, if s/he desires, withdraw the motion with permission from the Constituent Assembly.

(5) In case the motion is not withdrawn pursuant to Sub-rule (4), the Chairperson shall move a motion to the Assembly to constitute an Inquiry Committee consisting of a maximum of fifteen Members. While moving such a motion, powers including the powers of seeking an explanation from the person against whom the charge is made, of examining evidences, and of issuing a summon for that purpose shall also be mentioned therein.

(6) Any Member may move an amendment to the motion referred to in Sub-rule (5).

(7) After deciding upon the amendments submitted on the motion, the Chairperson shall put the motion for constituting the Inquiry Committee or the amended motion for decision.

(8) In case the motion constituting the Inquiry Committee moved pursuant to Sub-rule (7) is adopted, the Chairperson shall send the motion of impeachment, along with the relevant documents, to the Inquiry Committee and send the information thereof to the body and the official concerned.

(9) The Members of the Inquiry Committee shall select the Chairperson of the Committee from among themselves.

123. Tenure of Inquiry Committee: (1) Unless otherwise decided by the Chairperson, the tenure of the Inquiry Committee shall be of twenty one days in maximum from the date of its formation.

(2) In case the Committee could not complete its works within the prescribed period, it may request the Assembly through the Chairperson stating the reasons thereof for an extension of the time limit and the Assembly may extend a time of seven days in maximum.

124. Procedures of the Inquiry Committee: (1) The Inquiry Committee shall commence its works as soon as possible upon receipt of the approved motion of impeachment along with the relevant documents.

(2) The Chairperson of the Committee shall regulate the procedures of the Committee subject to the direction of the Chairperson.

(3) The Committee may seek an assistance of other officials, as may be necessary, in addition to that of the Constituent Assembly Secretariat.

125. Report of the Inquiry Committee: (1) The Committee shall investigate into each of the charges having given a reasonable opportunity to the official against whom the motion has been instituted to defend himself/herself and thereafter, consider upon all of the facts involved thereto and decide as to whether or not the charges for impeachment is proved, and the Committee shall submit its report to the Assembly having stated the grounds and reasons thereof along with its recommendations.

(2) The report shall be distributed to all Members at least two days in advance of the day on which discussion is going on in the Assembly on the report referred to in sub-Rule (1).

126. Consideration on the Report: (1) On the date and at the time prescribed by the Chairperson, the Chairperson of the said Committee or in his/her absence, another Member designated by the Chairperson, shall introduce a motion to the Assembly to consider over the Committee report.

(2) Upon introduction of the motion referred to in sub-Rule (1), there shall be discussion over the report in the Sitting.

(3) While having discussion pursuant to sub-Rule (2), any Member may submit an amendment to the report in a manner deemed appropriate by the Chairperson or to send the report back to the Committee for having conducted an inquiry again on any special matter.

(4) In case the motion requiring sending the report back to the Committee pursuant to sub-Rule (3) is passed, the report shall be sent to the Committee and the Committee shall send the report again to the Assembly having conducted an inquiry within seven days.

127. Motion Calling for Approval of the Report: (1) Upon completion of discussion on the report pursuant to sub-Rule (2) of Rule 126 or upon receipt of the report of Inquiry Committee to the Assembly pursuant to sub-Rule (4) of the same Rule, the Chairperson of the Committee, or in his/her absence, another Member designated by him/her, shall introduce a motion to the Assembly for consideration over the Committee report.

(2) Upon introduction of the motion referred to in sub-Rule (1), any Member may, as per the procedures determined by the Chairperson, bring an amendment to the report.

(3) Upon completion of brief discussion on the report introduced pursuant to sub-Rule (1) or the amendment introduced pursuant to sub-Rule (2), the Chairperson shall submit all amendments to the Assembly for decision and thereafter s/he shall submit the recommendations referred to in the report for decision in the Assembly.

(4) On the motion of impeachment, the decision of the Assembly shall be taken through division.

128. Deemed to be Relieved from Office Automatically: In case the motion of impeachment introduced against the President or Vice-President under this Chapter has been adopted by two third majority of the current total number of members of the Constituent Assembly, the concerned official shall, *ipso facto*, be deemed to have been relieved of the office.

Chapter-15

Motion on Conduct of Chairperson or Vice-Chairperson Incompatible to Position

129. Motion on Conduct of Chairperson or Vice-Chairperson Incompatible to Position : (1) In case any member deems that the conduct of Chairperson or the Vice-Chairperson is not compatible to his position, s/he may, having garnered support of one fourth of the total number of members of the Constituent Assembly,

introduce a motion relating thereto. The notice to introduce such a motion shall be furnished to the Secretary General.

(2) Upon receipt of the motion referred to in Sub-Rule (1), the Secretary General shall submit the motion to the Chairperson if it is against the Vice-Chairperson, to the Vice-Chairperson if it is against the Chairperson and to the senior most member from among the persons nominated to preside over the Sitting pursuant to Rule 11 if it is against the Chairperson and the vice-Chairperson both. The date and time shall be specified in such a manner that discussion on it could be held within seven days of the date of registration of the motion.

(3) Copies of the motion referred to in Sub-rule (1) shall be made available to all the members at least one day prior to the date specified to have discussion on it.

130. Presiding over the Sitting: The Vice-Chairperson shall preside over the Sitting of the Constituent Assembly if the motion received pursuant to Rule 129 is against the Chairperson. In case of submission of the motion against the Chairperson and the vice-Chairperson both at the same time, the eldest member from among the members nominated for presiding over the Sitting pursuant to Rule 11 shall preside over the Sitting.
131. Discussion on Motion and Approval: (1) On the date and time allotted for discussion, the proposing member shall, upon his/her name is called by the person presiding over the Constituent Assembly, submit the motion and s/he may give a statement prior to submitting the motion, if s/he so desires. In the discussion, the alleged official may also take part and vote.

(2) After the motion has been submitted pursuant to Sub-rule (1), the member presiding over the Constituent Assembly shall specify the time duration for having discussion and upon completion of the said time duration, the Chairperson or vice-Chairperson alleged to have not acted as per the conduct of the office shall give a statement in defense of the allegations charged against him/her. After giving the statement in defense, the member proposing the motion may, if s/he desires, withdraw the motion with a permission of the Assembly. In case the proposing member does not desire to withdraw or the Assembly does not give permission to withdraw the motion, the said motion shall be submitted for decision.

(3) For the purpose of Sub-Rule (2), the decision of the Constituent Assembly shall be made by division.

(4) In case motion referred to in Rule 129 has been adopted by two third majority of the total number of members of the Constituent Assembly, the concerned official shall, *ipso facto*, be relieved from the office.

Chapter 16

Notice on Absence, Resignation and Vacant Posts

132. Notice on absence: (1) Members shall give prior notice to the Chairperson if they are going to be absent for ten or more consecutive Sittings.
- (2) Members shall give prior notice to the Chairperson if they are to remain absent for less than ten consecutive Sittings. In case they are

unable to inform the Chairperson beforehand for any valid reason, members shall give notification of the same within three days of when they return to the Assembly.

(3) In the notification pursuant to Sub-rule (1) or (2), the member shall clearly state the duration of the absence and the reason for being absent.

(4) In case the notification is made according to Sub-rule (1), the Chairperson shall inform the Assembly; if it is according to Sub-rule (2), the Chairperson shall approve it himself/herself.

(5) The Secretary General or the Secretary shall notify the concerned member of the decision of the Constituent Assembly as soon as possible.

133. Resignation: (1) The Chairperson may tender his/her resignation addressing to the Vice-Chairperson. The Vice-Chairperson or a member of the Assembly may tender his/her resignation addressing to the Chairperson.

(2) Resignation tendered according to Sub-rule (1) shall be read out during the Sitting by the presiding member. During the time when there are no sessions, the resignation shall be displayed on the notice board, and also be publicized.

134. Notice of Vacancy of Posts: (1) In case office of any member falls vacant, the Chairperson shall inform the Assembly of the same.

(2) During times when there are no sessions, notice of the same shall be displayed on the notice board, and also be publicized.

(3) The Secretary General or secretary shall publish the notice of vacancy of the office pursuant to Sub-rule (1) in the *Nepal Gazette* and

inform the Council of Ministers, Government of Nepal and the Election Commission for the purpose of fulfilling the vacant office.

Chapter 17

Offices of the Constituent Assembly Party and Provisions Relating to Defection

135. Constituent Assembly Party offices: (1) The Constituent Assembly Party Offices of all political parties representing to the Constituent Assembly shall be located within the premises of the Constituent Assembly Secretariat at Singh Durbar.

(2) In case of the political parties having representation to the Legislature-Parliament and having the Legislature-Parliament Party Offices, the concerned party may continue to operate the same office as the office of the Constituent Assembly Party Office.

(3) The Secretariat shall, on the direction of the Conduct of Business Advisory Committee, make other provisions relating to operation of the offices of the Constituent Assembly Party.

136. Filling in Description Forms: Each member of the Constituent Assembly shall, within seven days from the date of commencement of these Rules, fill in the personal description forms as referred to in Schedule-6 and submit to the Constituent Assembly Secretariat.

137. Descriptions to be provided by political parties represented in the Constituent Assembly: (1) The political parties representing to the Constituent Assembly shall, within seven days from the date of commencement of these Rules, submit the

following descriptions to the Constituent Assembly Secretariat: -

- (a) The names and descriptions of the members of the party and name and specimen of signature of two members in maximum who have been authorized to make correspondence to the Constituent Assembly Secretariat on behalf of the party – in the form as referred to in schedule-7;
- (b) A copy of the statute or Rules of the concerned political party; and
- (c) A copy of the separate statute or Rules of the concerned Constituent Assembly party, if any.

Explanation: The “leader of political party” referred to in this Chapter mean the member who has been selected by the concerned party as the leader of the party and the words also include the member authorized by the concerned party to carry out the functions which a leader has to perform in the Constituent Assembly.

(2) In case only one member of a party is present in the Constituent Assembly, it shall be enough to furnish the information referred to in Rule 136 having enclosed a copy as referred to in clause (b) of Sub-rule (1).

(3) Notwithstanding anything contained in Sub-rule (2), in case another member is added to in any political organization or party having only one member, the said party shall have to furnish the information referred to in Sub-Rule (1).

(4) In case a party is formed during the tenure of the Constituent Assembly, the leader of

that party shall, normally within seven days of the organization of that party, provide information pursuant to Sub-rule (1).

(5) In case there is any change in information referred to in Sub-rule (1), the party leader shall inform about the changes to the Constituent Assembly Secretariat within seven days of the change.

138. Publication of description: A summary of description given to the Constituent Assembly Secretariat under Rules 136 and 137 shall be published in the bulletin.

139. Defection from Party to be Deemed: In case any member does any of the following acts, the concerned party may deem that the said member has defected the party:-

- (a) Tendering resignation from the party’s membership in writing;
- (b) Obtaining membership of another party, or
- (c) Forming another party being himself/herself a member thereof;
- (d) Doing any act that is deemed to have defected the party as per the laws in force for the time being.

140. Defection from Party not to be Deemed: Notwithstanding anything contained in Rule 139, a member shall not be deemed to have defected the party in any of the following circumstances:-

- (a) In case the Chairperson or the Vice-Chairperson resigns from the concerned party;
- (b) In case at least 40 percent of a party’s Central Executive Committee members leave the party to form a new party and join

to the newly formed party or another existing party.

Provided that the members once divided shall not be entitled to enjoy this benefit for more than once during the entire tenure of the Constituent Assembly.

141. Notification of Defection from the party may be given: (1) In case any member defects a party pursuant to Rule 139, the concerned party may furnish the information thereof to the Chairperson.

(2) Prior to furnishing the information of defecting the party to the Chairperson pursuant to Sub-Rule (1), the concerned party shall have to provide a reasonable opportunity to such a member to defend himself/herself.

(3) While furnishing the information of defecting the party to the Chairperson pursuant to Sub-Rule (1), the concerned party shall have to follow the following procedures:-

- (a) The decision to furnish information of defection to the Chairperson shall be taken by the central executive Committee of the concerned party;
- (b) The designation of the official certifying the decision referred to in clause (a) shall have to be disclosed;
- (c) The official referred to in clause (b) shall also have to submit a copy of the decision of the Central Executive Committee and the documents relating to evidences of providing an opportunity to defend pursuant to Sub-Rule (2) and other documents and evidences.

142. Investigation may be conducted: In case of receipt of the information of defection and documents relating thereto pursuant to Rule 141, the Chairperson may conduct or cause to conduct an investigation as to whether or not the concerned party has fulfilled the procedures and met the terms and conditions that have to be fulfilled or met as per these Rules.

143. Informing the Sitting or Publishing a Notice: In case it seems, upon investigating pursuant to Rule 142 as to the information furnished pursuant to Rule 141, that the concerned party has fulfilled and met the terms and conditions that have to be fulfilled or met as per these Rules, the Chairperson shall, within 15 days of the date of receipt of the notice of defection, furnish the information to the Sitting of the Constituent Assembly and during the time of adjournment of the Sitting, provision shall be made to publish the notice on the notice board of the secretariat.

144. Seat to be deemed to be Vacant: In case the information of defection from the party has been given to the Sitting of the Constituent Assembly or such notice has been published in the notice board pursuant to Rule 143, the seat of such a member shall be deemed to be vacant.

Chapter 18

Code of Conduct of Members and Provision Relating to Monitoring Thereof:

145. Code of Conduct to be Abide by: (1) The officials and members of the Constituent Assembly shall, in order to fulfill their responsibilities in accordance with the Constitution and to maintain public confidence in their functions and activities,

abide by the following Codes of Conduct:-

- (a) To attain the objectives of the Constituent Assembly and for that purpose, to fully abide by these Rule;
- (b) To always behave in consistency with public morality and norms of conduct prevailing in the society;
- (c) To regularly attend to and take part in the plenary Sitting of the Assembly or the Sitting of the Committee in which one is a member and to exercise one's voting right;
- (d) To take part in the functions and activities of Government of Nepal or relevant organization and associations including the civil society organizations and to consider over their opinions with regard to the new Constitution;
- (e) To discharge duties by the members free of selfishness and with honesty and objectivity and in responsible manner;
- (f) To accord importance to public interest in each of the functions or activities related to Constitution-making and the Assembly and in case of conflict between public and private interests, to clearly stand for the cause of public interest;
- (g) Not to speak, vote or take part in any proceedings of the Assembly having taken any personal,

financial benefits or fees or remuneration or reward for that;

- (h) To use the confidential information acquired in the capacity of a member of the Assembly for the purpose of the Assembly only and not to make such information a subject of give and take with any person or institution for financial benefits;
- (i) In case there is personal or private interest of a member attached to any subject that is under consideration of the Committee or the Assembly in which s/he is a member, s/he shall voluntarily inform the Committee or the Assembly about it in a clear manner to remain aloof from the discussions to be held on such subject.

(2) The code of conduct under this Rule shall be applicable in all aspects of public life of the officials and members.

Provided that, the code of conduct shall not be deemed to affect the work or behaviour that is fully concerned with personal or private life of the officials and members.

146. Formation of Conduct Monitoring Committee: (1) There shall be a Conduct Monitoring Committee in the Assembly.

(2) The formation of the Committee referred to in Sub-Rule (1) shall be as follows:-

- (a) Chairperson - ex-officio Chairperson
- (b) Vice-Chairperson - ex-officio Vice-Chairperson
- (c) Twenty seven members, nominated by the Chairperson from among those chosen by the leaders of the parties represented in the Constituent Assembly - Member
- (d) The Secretary General of the Constituent Assembly - Secretary

147. Functions, Duties and Powers of the Committee:

(1) The functions, duties and powers of the Conduct Monitoring Committee shall be as follows:-

- (a) To begin the function of required investigation on the basis of the question publicly raised about violation of code of conduct referred to in sub-Rule (1) of Rule 145 by any member or on the basis of information given by any one to the Committee;
- (b) To acquire necessary information from the concerned member and other persons on the questions raised with regard to code of conduct;
- (c) To obtain information from the person, institution or media raising the question on the conduct;
- (d) To decide whether or not, from the facts collected during the investigation in the questions with regard to the conduct of members, the concerned member has found to have violated the code of

conduct and to submit the report thereof to the Assembly.

- (e) The Conduct Monitoring Committee may form a sub-Committee consisting of specialists.

(2) The Conduct Monitoring Committee shall itself determine its other procedures.

(3) It shall be a duty of each of the members to render necessary assistance in case an inquiry has been initiated against any member pursuant to this Rule.

(4) In case an inquiry has been initiated against any member pursuant to this Rule, the Conduct Monitoring Committee shall provide a reasonable opportunity to the concerned member to defend himself/herself.

(5) The report submitted to the Assembly by the Conduct Monitoring Committee pursuant to clause (d) of sub-Rule (1) shall be kept in the record of the Assembly.

Chapter 19

Miscellaneous

148. Confidential Sitting of the Constituent Assembly:

(1) In case at least sixty one members of the Assembly make a written request to the Chairperson that discussion on any subject of the Constituent Assembly be held in a secret Sitting and in case the Chairperson deems the request reasonable, s/he may decide to conduct discussion on such subject in a secret Sitting.

(2) No one shall be allowed to sit in at the

chamber or lobby while a secret Sitting of Constituent Assembly is in progress.

Provided that this provision shall not be applicable to the persons permitted by the Chairperson.

(3) The Chairperson may maintain and publicize a brief description of the proceedings or decision of a secret Sitting as he/she deems appropriate. Except the Chairperson or the person authorized by him/her, no one shall be allowed to keep such records, publicize or let anyone else know about them.

(4) The procedures of the secret Sitting shall be as determined by the Chairperson.

(5) In case it is felt that the proceedings of the Sitting need not to be kept secret any longer, the Chairperson may make a proposal to the Assembly that proceedings of the Sitting no longer be in secret.

(6) Upon approval of the proposal by the Assembly, the Sitting of the Constituent Assembly shall be made open.

149. Determining the Calendar of Operation of the Constituent Assembly: (1). The Constituent Assembly shall, within seven days from the commencement of these Rules, discuss the functions the Assembly and its various Committees have to perform, the time limit for it and the Calendar of Operation for the activities relating thereto.

(2) The Chairperson shall prepare the Calendar of Operation of the Constituent Assembly in consultation with the Conduct of Business Advisory Committee and propose to the Assembly.

(3) The Calendar of Operation approved by the Assembly shall be an inseparable part of these Rules.

(4) In case of need to bring any alteration in the Calendar of Operation approved pursuant to this Rule, a proposal thereof shall be submitted to the Assembly and it shall be done as per the decision of the Assembly.

150. Procedures for Taking Decisions of Referendum:

(1) In case a resolution has been approved that decision on any subject has to be made through the process of a referendum pursuant to sub-Article (1) of Article 157 of the Constitution, the Chairperson shall certify it. The Secretary General or Secretary shall furnish the information thereof to the Council of Ministers, Government of Nepal.

(2) The decision derived through the referendum shall be mandatory for the Constituent Assembly.

151. Opinion of Attorney General may be Obtained:

(1) In case the Chairperson deems it necessary to seek legal advice of the Attorney General, s/he may allow the Attorney General to express opinion being present in the Assembly.

(2) There shall be no discussion on the opinion expressed pursuant to sub-Rule (1).

(3) The procedures as to expressing the opinion pursuant to sub-Rule (1) shall be as determined by the Chairperson.

152. Language: (1) The proceedings of the Constituent Assembly or its various Committees shall be in Nepali language. In case any Member has spoken in his/her mother tongue, provision shall be made to maintain record thereof.

(2) Notwithstanding anything contained in sub-Rule (1), in case of the Member with statement disability, the Chairperson may permit to express his/her opinion in symbolic language and allow his/her assistant to interpret and read out to the Sitting.

153. Emblem of the Constituent Assembly: (1) Members shall wear the emblem of the Constituent Assembly while attending to any of the Sitting relating to the works of the Constituent Assembly.

(2) Members may use the emblem of the Constituent Assembly.

(3) The format and procedures of making the emblem shall be as determined by the Chairperson in consultation with the Conduct of Business Consultative Committee. The format and procedures of making the emblem and other necessary matters shall be published in the Nepal Gazette.

154. Records of Proceedings: (1) The Secretary General or the Secretary shall, as per the direction of the Chairperson, make provisions of keeping records of the proceedings of each of the Sittings of the Constituent Assembly and prepare a brief note on them and distribute to each of the members.

(2) One copy of the brief note of the proceedings of each Constituent Assembly Sittings prepared pursuant to Sub-Rule (1) shall be made available to the Office of the President and information thereof shall also be made available to the means of mass media through the information unit of the Secretariat.

155. Records and Authentication of Decisions: (1) The Secretary General or the Secretary shall prepare minutes of each Sitting of the Constituent Assembly. These minutes shall become the records of the decisions of the Constituent Assembly.

(2) The Secretary General or the Secretary shall have the powers to authenticate the decisions and proceedings of the Constituent Assembly.

156. Objectionable terms: (1) In case any word or a part of a sentence used during discussion in any Sitting of the Constituent Assembly is found to be indecent, objectionable or against the dignity and decorum of the Constituent Assembly, the Chairperson may order to delete such word or words from the records of the proceedings of the Sitting.

(2) The stricken sections shall be asterisked and, in a footnote on the same page, a note shall be added recording that this section has been removed as per instructions from the Chairperson.

157. Delegation of power: Any official of the Constituent Assembly may, in case s/he becomes unable to perform the functions of his/her office for falling ill or for any other reason(s), delegate any or all authority vested in him/her to any of the subordinate officials in written form subject to these Rules and the Constitution.

158. Special Powers of the Secretary General: The Secretary General shall be entitled to enter into any Sitting of the Constituent Assembly or of any Committee or sub-Committee thereof and to instruct or control the Secretary or other officer on duty in the Sitting, and s/he may give advises relating to the procedures solicited by the Sittings.

159. Security of Records: (1) The Secretary General shall cause to keep the records of decisions and documents of the proceedings of the Constituent Assembly and its Committees.

(2) The Secretary General shall not allow anyone to take out from the building of the Constituent Assembly the records to be maintained pursuant to sub-Rule (1) without an order of the Chairperson.

160. Information on Arrest of a Member: (1) In case information is received about an arrest of any member of the Constituent Assembly pursuant to the proviso to Sub-article (5) of Article 77 of the Constitution, the Chairperson shall forthwith give the information thereof to the Constituent Assembly.

(2) In case information referred to in Sub-Rule (1) is received while the Sitting of the Constituent Assembly has been adjourned, the Chairperson shall cause to paste the notice thereof on the notice board of the secretariat and cause to publicize it through other means of communication.

161. Legal Opinion and Advice: In case any legal question is raised regarding the procedures of the proceedings of the Constituent Assembly or its Committees, the advice of the legal advisor at the Secretariat shall be sought and the legal advisor also shall represent the Constituent Assembly and its Committees in a case involving the Constituent Assembly or any of its Committee as party.

Provided that this Rule shall not be deemed to have hindered soliciting advices or suggestions of other experts on the subject of Constitutional law and principles.

162. Power to Regulate Entrance: (1) Normally, a Sittings of the Constituent Assembly shall remain open.

(2) The Chairperson shall have power to regulate and control the entrance, taking into consideration the convenience of persons going to observing the proceedings of the Constituent Assembly. The Chairperson may also make or cause to be made provisions for entrance passes as may be necessary.

(3) The person entering into the Sitting House with the entrance pass shall abide by the terms and conditions printed on the pass and in case any person does not abide by those terms and conditions may be expelled from the Sitting House at the order of the Chairperson.

163. Maintaining Order within Constituent Assembly Premises: (1) The Chairperson shall have full powers with regard to maintaining order within the premises of the Constituent Assembly.

(2) No Sit-in, hunger strikes, picketing, poster, pamphlet, distributing hand Bills or any other activity tending to disturb tranquility within the premises of the Constituent Assembly shall be allowed.

(3) No person within the premises of the Constituent Assembly shall be arrested without an order of the Chairperson.

164. Restrictions on using the Assembly House: Except permission from the Chairperson, the Assembly House shall not be used for any purpose other than for conducting Sittings of the Constituent Assembly or any of its Committees or for conducting Sitting as in the capacity of the Legislature-Parliament or any Committee thereof

or for any other work that is directly related to the Constituent Assembly.

165. Secretariat of Constituent Assembly: (1) The Legislature-Parliament Secretariat, established pursuant to Article 61 of the Constitution, shall act as the Constituent Assembly Secretariat.

(2) The officials and employees engaged in the Legislature-Parliament Secretariat shall be deemed to be the officials and employees of the Constituent Assembly Secretariat.

(3) The Government of Nepal shall make available on deputation the extra employees as may be necessary for performing the works of the Constituent Assembly secretariat in an effective and well-managed manner.

(4) The Constituent Assembly Secretariat may, as per the decision of the Conduct of Business Advisory Committee, receive an assistance of required advisors and experts in accordance with the laws in force.

(5) Other provisions relating to operation of the Secretariat shall be in accordance with the laws in force.

166. Suspension of Rules: Assembly Member may, with the permission from the Chairperson, introduce a motion for suspension of a particular Rule under these Rules that the Rule be not applied to a particular matter which is currently before the Assembly for consideration. In case approved, such a Rule shall be considered suspended for the time being.

167. Power to Remove Difficulties: In case any difficulty arises while working in accordance with these Rules, the Chairperson may, in consultation with the Conduct of Business Advisory

Committee, remove such difficulty having made necessary and appropriate provisions for it.

168. Interpretation of These Rules: The Chairperson shall have powers to interpret these Rules, and his/her decision shall be final.

169. Functions of Secretary General may be Carried out: In the absence of the Secretary General, the official delegated by the Chairperson shall perform all functions to be performed by the Secretary General under these Rules.

170. Functions of Secretary may be Carried out: In the absence of the Secretary, the official delegated by the Chairperson shall carry out the functions prescribed to be carried out by the Secretary under these Rules.

171. Amendment to these Rules: (1) The Assembly may bring necessary amendments to these Rules.

(2) In case a Member deems an amendment necessary, s/he may notify the Chairperson of the proposal to amend these Rules along with reasons for the amendment.

(3) The Member may introduce a proposal asking the Assembly with due permission of the Chairperson, for approval to set up an Amendment Committee, including suggested names, if the Chairperson deems it necessary.

(4) The Committee formed pursuant to Sub-rule (3) shall consist of Members as needed, and the Members shall select the Chairperson among themselves.

(5) Upon submission of the report by the Committee to the Assembly, the motion relating to an amendment shall be adopted having followed the appropriate procedures determined by the Chairperson.

172. Repeal and Saving: (1) The following procedures have been repealed:-

(a) Interim Procedures of the Constituent Assembly, 2065 (2008).

(b) The Procedures Relating to the Election of the President and Vice-President, 2065 (2008).

(2) The activities carried out in accordance with the Procedures referred to in Sub-rule (1) shall be deemed to have been carried out under these Rules.

Schedule-1

(Relating to Rules 8 and 10)

Oath of office of the Chairperson/
Vice-Chairperson of Constituent Assembly

I, being completely loyal to the country and people, do hereby solemnly resolve/swear in the name of God that I shall, with genuine loyalty towards the Interim Constitution of Nepal, 2006, which ensures that state authority and sovereignty is vested in the people of Nepal, truthfully and impartially carry out my duties and responsibilities as the Chairperson/Vice-Chairperson of the Constituent Assembly, putting myself strictly within the limits of the existing laws, always thinking the good of the country and the people in high esteem, without fear, biasness, prejudice or ill-will and maintaining the confidentiality of the office.

Name.....

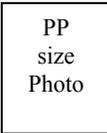
Date.....

Signature.....

Schedule-2

(Relating to Sub-rule (1) of Rule 15 and Sub-rule (1) of Rule 16)

Nomination of Candidate



To be filled in by a Proposing Member

The Election Officer,
The Office for Election of President and Vice-President.

I do hereby propose Mr/Mrs.....and nominate him/her as candidate in the election of the President and Vice-President of Nepal.

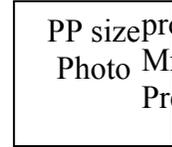
- 1. Full Name.....
- 2. AgeYears Sex: Male/Female
- 3. Address:
- 4. Mother/ Father:
- 5. Name of Husband/wife:

Proposing Member,

Name
Serial No. of voter's list:.....
Signature:.....

To be filled in by the person seconding the motion

I do hereby accept the proposal by the afore-said proposing membernominating Mr./Mrs.as a candidate to the office of President/Vice President.



Seconded by

Name
Serial No. of voter's list:.....
Signature:.....

- 6. Documents attached:
 - (a) Attested copy of the Nepalese citizenship certificate of the nominated candidate
 - (b) The memo containing the consent of the candidate

Date:.....

Schedule-3

(Relating to Sub-rule (2) of Rule 15 and Sub-rule (2) of Rule 16)

Consent of the Candidate

As Mr./Mrs.....has nominated me as a candidate in the election of the office of President/Vice President of Nepal, in case I would be elected, I agree to work as in the office of President/Vice President of Nepal.

I do hereby declare that I am eligible to stand as a candidate to the election of the President/Vice President in accordance with the Interim Constitution of Nepal, 2006.

Date:.....

Of the nominated candidate,

Name:.....

Signature:.....

Schedule-4

(Relating to Sub-Rule (9) of Rule 65)

Oath of office of the members of the Constitutional Committee

I, being completely loyal to the country and people, do hereby solemnly resolve/swear in the name of God that I shall, with genuine loyalty towards the Interim Constitution of Nepal, 2006, which ensures that state authority and sovereignty is vested in the people of Nepal, truthfully and impartially carry out my duties and responsibilities as a member of the Constitutional Committee, putting myself strictly within the limits of the existing laws, always thinking the good of the country and the people in high esteem, without fear, biasness, prejudice or ill-will and maintaining the confidentiality of the office.

Name.....

Date.....

Signature.....

Schedule-5

(Relating to Sub-Rule (11) of Rule 70 and Sub-Rule (5) of Rule 109)

Oath of office of the Chairperson of Committees of the Constituent Assembly

I, being completely loyal to the country and people, do hereby solemnly resolve/swear in the name of God that I shall, with genuine loyalty towards the Interim Constitution of Nepal, 2006, which ensures that state authority and sovereignty is vested in the people of Nepal, truthfully and impartially carry out my duties and responsibilities as a Chairperson ofCommittee of the Constituent Assembly, putting myself strictly within the limits of the existing laws, always thinking the good of the country and the people in high esteem, without fear, biasness, prejudice or ill-will and maintaining the confidentiality of the office.

Name.....

Date.....

Signature.....

Schedule-6

(Relating to Rule 136)

Form for personal details of the members of the Constituent Assembly

1. Name, surname of member:
2. Name, surname of mother:
Name, surname of father:
Name, surname of husband/wife:
3. Permanent Address:
District:
V.D.C./Municipality:
Ward No.:
Street:
4. Date of Birth:*
5. Level of Education:
6. District of Representation:
7. (a) Name of the Political party or Organization:
(b) Independent:
8. Address in Kathmandu Valley:
District:
Municipality:
Ward No.:
Street:
Phone No.:
Mobile:
E-mail:

I shall provide information immediate in case there is any change in the afore-said details.

Name.....

Date.....

Signature.....

* Photostat copy of the citizenship certificate must be attached.

Schedule -7

(Relating to Clause (a) of Sub-rule (1) of Rule 137)

Details related to the political party representing
to the Constituent Assembly

| S.N. | Name of Member | Name, surname of father/mother Name, surname of husband/wife: | Permanent address | District |
|------|----------------|--|----------------------|----------|
| | | | | |

Of the leader of the party,-

Name, surname:

Signature:

Member authorized to sign

1. Name, surname:

Signature:

2. Name, surname:

Signature:

Date:

Passed by the Constituent Assembly on 2065-7-29
(November 14, 2008)

The Constituent Assembly (Conduct of Business
of Legislature-Parliament) Rules, 2008

Passed by the Constituent Assembly on 2065-7-29

(November 14, 2008)

Preamble: The Constituent Assembly has, having exercised the powers conferred by Article 78 of the Interim Constitution of Nepal, 2063 (2006), framed the following Rules in order to conduct the business by the Constituent Assembly as in the capacity of Legislature-Parliament pursuant to Article 83 of the Constitution, to maintain order of the House, and to form necessary Committees and regulate their functions, activities and other matters relating thereto.

Chapter 1

Preliminary

1. Short Title and Commencement: (1) These Rules may be called “the Constituent Assembly (Conduct of Business of Legislature-Parliament) Rules, 2008.”
(2) These Rules shall come into force immediately.
2. Definition: Unless the subject or context otherwise requires, in these Rules-
 - (a) “Constitution” means “the Interim Constitution of Nepal, 2063 (2006).”
 - (b) “Legislature-Parliament” means the session or sitting called for functioning as in the capacity of the Legislature-Parliament during the term of the

- Constituent Assembly pursuant to Article 83 of the Interim Constitution of Nepal.
- (c) “Speaker” means the Speaker of the Legislature-Parliament.
 - (d) “Deputy Speaker” means the Deputy Speaker of the Legislature-Parliament.
 - (e) “Minister” means the Prime Minister, Deputy Prime Minister, Minister, and the state Minister of the Government of Nepal, and the word also includes an Assistant Minister.
 - (f) “Finance Minister” means the Finance Minister of the Government of Nepal, and the word also includes other Minister or State Minister designated to look after the portfolio of the Finance Minister, if any.
 - (g) “Official” means the Speaker, Deputy Speaker, Chairperson, Parliamentary Party Leader of the political parties representing to the Legislature-Parliament, the Leader of Opposition Party in the Legislature-Parliament, Deputy Leader, the Principal Whip, Chief Whip, Secretary, Whip of the Parliamentary party of the political parties representing to the Legislature-Parliament, Secretary General and Secretary of the Legislature-Parliament.
 - (h) “Member” means the Member of the Legislature-Parliament.
 - (i) “Secretary General” means the Secretary General of the Legislature-Parliament and the word also includes

- an officer of the Legislature-Parliament secretariat designated by the Speaker to work in the capacity of the Secretary General in absence of the Secretary General.
- (j) “House,” “Assembly,” or “Sitting” mean the House, Assembly or Sitting of the Legislature-Parliament.
- (k) “Motion” means a motion introduced for consideration of the Legislature-Parliament.
- (l) “Member in charge” means a Minister in the case of a government Bill and the Member who has introduced the Bill in the case of a Private Member Bill.
- (m) “Chamber” means the Chamber of the Legislature-Parliament and the word also includes the audience lobby and galleries adjacent to the Chamber.
- (n) “Table” means the table of the House.
- (o) “Private Member” means a Member of the Legislature-Parliament other than a Minister.
- (p) “Committee” means the Committee of the Legislature-Parliament constituted under these Rules.
- (q) “Chairperson” means the Chairperson of a Committee constituted under these Rules.
- (r) “Secretary” means the Secretary of the Legislature-Parliament and the word also includes an officer of the Legislature-Parliament secretariat designated by the Speaker to work in

the capacity of the Secretary in absence of the Secretary.

- (s) “Bulletin” means the Bulletin of the Legislature-Parliament which includes the following subjects:-
- (1) Notice relating to the proceedings of the sittings;
 - (2) short description of proceedings of sittings;
 - (3) Notice relating to the Committees
 - (4) other subjects deemed to be necessary by the Speaker.
- (t) “Precincts” means the entire premises of the building, including the Sitting Chamber of the Legislature-Parliament, the galleries and the audience Chamber and the word includes the thoroughfare adjoining the building where the Sitting is conducted, and to additional places as may be fixed by the Speaker from time to time.

Chapter 2

Summoning and Prorogation of Session, Presence of Members and Order of Seating

3. Summoning and Prorogation of Session: (1) The Secretary General shall furnish to Members with the notice of session of the Legislature-Parliament summoned by the President pursuant to sub-Article (1) of Article 51 of the Constitution. Such a notice shall be publicized through the means of public communication as may be necessary in addition to its publication in the Nepal Gazette.

(2) In case of summoning a session or sitting of the Legislature-Parliament pursuant to sub-Article (3) of Article 51 of the Constitution, the Secretary General shall publicize the notice thereof through the means of public communication having publicized it in the Nepal Gazette.

(3) In case the President prorogates the session of the Legislature-Parliament pursuant to sub-Article (2) of Article 51 of the Constitution, the Speaker shall read out the notice relating to it in the Assembly.

(4) In the event of prorogation of the session of the Legislature-Parliament at the time of adjournment of a sitting of the Legislature-Parliament, the Secretary General shall notify the same through a letter of information. Such a notice shall be published in the Nepal Gazette.

4. Presence of the Members: Before taking the seat in the sitting, each Member shall note the attendance in register maintained outside of the Chamber.
5. Seating arrangement: (1) Each Member shall take his/her seat in a place and order as determined by the Speaker.

(2) In the case of the members with disability, the Speaker may, having assigned seating places and order, also permit one assistant to take a seat beside such a member.

Chapter-3

Conduct and Adjournment of Sitting

6. Conduct and Adjournment of Sitting: (1) Subject to these Rules, a sitting of the Legislature-

Parliament shall take place on the days fixed by the Speaker having regard to the workload of the Constituent Assembly.

(2) The sitting of the Legislature-Parliament shall be commenced at the time as determined by the Speaker.

(3) In case there is a change in the date, time and program prescribed for a sitting for any reason whatsoever, notice of the same shall be posted on the notice board of the Legislature-Parliament. Once the notice has been posted, it shall be deemed to have received by all Members.

(4) The Speaker shall announce the commencement and adjournment of each sitting.

(5) The presence of a Minister is mandatory in the sitting.

(6) Other normal procedures of sitting of the Legislature-Parliament shall be as per the ordinary procedures referred to in the Constituent Assembly Rules, 2008.

(7) Officials of all parties representing to the Legislature-Parliament shall cooperate in conducting the sitting of the Legislature-Parliament.

Chapter 4

Election of the Prime Minister

7. Election of the Prime Minister: (1) Election of the Prime Minister shall be conducted on the basis of political consensus pursuant to sub-Article (1) of Article 38 of the Constitution.

(2) In case there is no political consensus as per sub-Rule (1), the election of the Prime

Minister shall be held on the date and at the time as prescribed by the Speaker and the notice thereof shall be publicized by the Secretary General.

(3) Any Member may, within the fixed time of the day as determined for conducting the election of the Prime Minister, furnish a notice of a motion to the Secretary General along with support of any other Member for appointing any Member to the office of the Prime Minister.

(4) Upon submission by the Member of the notice of the motion referred to in sub-rule (3) to the sitting, the Member seconding the motion shall support the motion.

(5) In case the notice of the motion referred to in sub-Rule (3) is received only one, the Speaker shall, upon the statement of the proposing Member, declare that the proposed Member has been elected unopposed to the office of the Prime Minister. In case more than one notice of the motion is received, there shall be a short discussion on all motions upon statement of the proposing Member on the order of registration of the motion, and thereafter, the Speaker shall introduce the motion in the House for decision on the same order.

(6) In case more than one motion is received and the motion has been introduced for decision pursuant to sub-Rule (5), and in case such a motion is passed by a majority of the total Members of the Legislature-Parliament present at the moment, such motion shall be deemed to have been approved.

(7) Upon approval of any of the motions introduced before the House for decision pursuant to sub-Rule (6), the Member proposed by such a

motion shall be deemed to have been elected to the office of the Prime Minister and the remaining motions shall not be introduced for decision.

(8) The decision of the Legislature-Parliament on the motion calling for electing the Prime Minister pursuant to sub-Rule (3) shall be made by division of votes. In case any of the motions introduced for decision at the sitting could not be passed by majority as required pursuant to sub-Article (2) of Article 38 of the Constitution on the day prescribed for the election of the Prime Minister, the Speaker shall call the sitting again for the purpose of introducing all the motions for decision. The process referred to in this sub-Rule shall be continued unless the motion is passed by the majority required pursuant to sub-Article (2) of Article 38 of the Constitution.

(9) The Speaker shall submit to the President the information of election of the Prime Minister under this Rule.

(10) In case the office of the Prime Minister falls vacant for any reason whatsoever, the vacant post shall be fulfilled having followed the procedures referred to in this Rule.

8. Oath of Office by Prime Minister: The Prime Minister shall, prior to assuming the office, take an oath of office and Secrecy before the President pursuant to Article 42 in the format referred to in Schedule -1.

Chapter-5

Address by President

9. Address by President: The President shall address a sitting of the Legislature-Parliament pursuant to

Article 52 of the Constitution introducing the annual policies and programs of Government of Nepal.

10. Motion of Thanks: (1) After the President's address to the Legislature-Parliament pursuant to Rule 9, the Prime Minister shall table a copy of such address in the sitting held immediately thereafter.

(2) Any Member may move a motion of thanks for the address by the President and such a motion shall have to be seconded by another Member.

(3) An amendment to the motion of thanks may be moved in the form as considered appropriate by the Speaker.

11. Discussion on the Address: (1) The Speaker shall, in consultation with the Prime Minister or in his/her absence with a Minister designated by him/her, allot days and duration for discussion on the policies and programs of Government of Nepal referred to in the Presidential address pursuant to Rule 9, and discussion shall be held on the address on the days so allotted on the basis of party representation.

(2) The Prime Minister or in his/her absence a Minister designated by him/her shall, at the end of the discussion held pursuant to sub-Rule (1), respond to the issues raised during the discussion.

(3) After the response from the Prime Minister or in his/her absence a Minister designated by him/her pursuant to sub-Rule (2), the discussion shall be deemed to have been concluded, and the Speaker shall put the motion of thanks for decision to the sitting after deciding upon the motions of amendment moved thereon.

12. Submission of Motion of Thanks: The Speaker shall submit to the President the motion of thanks passed by the sitting under this chapter.
13. Other Functions may be Carried Out: (1) The following functions may also be carried out on the days allotted for conducting discussion on the address pursuant to Rule 11:-
- (a) To complete the formal works relating to the procedures of the Legislature-Parliament before the beginning of the discussion; or
 - (b) To introduce the supplementary appropriations; or
 - (c) To move a motion for leave to introduce a Bill or to introduce any Bill.
- (2) In case the motion introduced for adjournment of discussion has been approved, any of the following functions may be carried out on the days allotted for discussion on the address:-
- (a) To move a motion for passing a Bill;
 - (b) To submit matters which has deadline prescribed by law for submission in the House;
 - (c) To discuss on any urgent matter submitted by a Minister.

Chapter-6

Questions and Calling Attention

14. Questions may be raised: (1) Any Member may, on the date and time prescribed by the Speaker, raise question on any subject of public importance

within the responsibility of Government of Nepal.

(2) The Speaker shall prescribe specific day and time to the concerned Ministry in order to furnish updated information to the Legislature-Parliament by the concerned Minister on the functions and activities of Government of Nepal.

(3) On the day and time prescribed pursuant to sub-Rule (2), the concerned Minister shall respond to the questions raised by the Members on the matters relating to his/her Ministry.

Provided that in case the concerned Minister asks for the time of another day for being unable to furnish the response on that day or to any question for any technical reason, the Speaker may prescribe another day and time.

15. Calling Attention: (1) Any Member may, having obtained a prior approval of the Speaker, call the attention of the concerned Minister on any urgent matter of public importance.

(2) In case of calling attention pursuant to sub-Rule (1), the Minister may respond immediately if he/she so desires or may request time for another day for responding on the issue.

(3) No discussion shall be held on the matter after a response of the Minister pursuant to sub-Rule (2).

Provided, that the Members having their names in the list of the subject referred to in the List of Business may seek explanation and the Minister shall respond to at the end. In such List of Business, name of not more than three persons shall be included in one calling of attention.

(4) While calling attention pursuant to sub-rule (1), one Member may call the attention

only once in each sitting. Attention shall not be allowed to be called more than twice in one sitting.

(5) The Member seeking to call an attention pursuant to sub-rule (1) shall furnish the notice thereof one day in advance.

(6) In case the Speaker has approved more than two notices of calling of attention for any day, the two callings of attention to be placed in the List of Business shall be determined on a lottery basis.

Chapter 7

Motions and Procedures Relating Thereto

16. No Discussion Could be held Without Motion: (1) Save as otherwise provided for in the Constitution and in these Rules, no discussion on any matter shall take place in the sittings of the Legislature-Parliament without a motion.

(2) The motion for discussion in the sittings shall have to be approved by the Speaker. The Speaker may, without tampering the main spirit of the motion, bring necessary amendment to the motion.

17. Conditions Relating to Motions: (1) No motion containing any of the following matters shall be accepted:-

(a) Containing the matters prohibited by Article 60 of the Constitution or the matters against any other provision of the Constitution;

- (b) Containing more than one issue;
- (c) Containing vague, uncertain or unimportant subject matter;
- (d) Containing crude reasons, inferences, ironical expressions, irrelevant imputations or any other hypothetical or objectionable matter;
- (e) Referring to the conduct of a person performed in his personal capacity except in his public or governmental capacity;
- (f) Containing criticism of a decision of the House or of any Committee of the Legislature-Parliament or of any matter under consideration thereof;
- (g) Containing any matter under consideration of any judicial or quasi-judicial body or authority established according to existing laws or any Commission or Committee constituted under the existing laws to probe, to submit recommendations or report;
- (h) Attempting to repeat discussion of a matter which has been discussed in the same session.
- (i) Having used discourteous language;
- (j) While having discussions on any decision or action of the Council of Ministers, involving such information as is certified by the Council of Ministers that the

matter may have adverse impact on national security, integrity or diplomatic relations;

(k) Having raised an issue of privilege.

(2) Notwithstanding anything contained in Clause (g) of sub-rule (1), if the speaker considers that the motion is not likely to prejudice the consideration of such matter by the Commission or Committee mentioned in the said Clause, s/he may allow to move a motion confined to the matters of procedures and progress of such investigation.

18. Decision on Admissibility of Motion: The Speaker shall decide whether or not a motion or a part thereof is admissible, and while so deciding, s/he may disallow any motion or part thereof citing reason(s) therefore.

19. Allotment of Day and Duration of Discussion: (1) The Speaker may, having taken into account the business in the Legislature-Parliament, allot the day and the duration of discussion on a motion.

(2) After completion of the time allotted for discussion, the discussion shall terminate, and unless otherwise provided in these Rules, the Speaker shall put every question necessary to dispose of the matter in respect of the main issue for decision in the sitting.

20. Lapse of Motion and Bar on Revival Thereof: (1) Any motion not moved in a sitting even after being permitted therefore shall *ipso facto* be lapsed.

(2) Except otherwise provided in these Rules, no matter which is substantially raising the same question already discussed or decided during the current session of the Legislature-

Parliament shall be allowed to be raised again in the form of a new motion or amendment.

21. Prior Discussion on Motion Debarred: Where a time has been allotted to a motion for discussion in the Legislature-Parliament, no other motion or amendment for discussion on the same matter shall be allowed prior to such allotted time.

22. Withdrawal of Motion: (1) The proposer may withdraw a motion already filed with the Legislature-Parliament Secretariat through a written request and with the approval of the Speaker.

Provided, that the motion already rose in the Legislature-Parliament may not be withdrawn without the permission of the Legislature-Parliament, and if any amendment has been moved in respect thereof, such a motion may not be withdrawn until such amendment has been decided upon.

(2) If more than one Member has submitted more than one motion substantially on the same matter, discussion shall be held on only one motion determined through a lot.

23. Notice of Motion: A Member intending to move a motion shall furnish a notice in writing to the Secretary General or Secretary.

24. Procedures Relating to Motion: In respect of the motion to be moved under other Chapters of these Rules, the procedures mentioned in those Chapters shall apply, and in respect of the matters not mentioned in those Chapters, the procedures as provided in this Chapter and Chapter -8 shall apply.

25. Prohibition on Submission of Other Motions: Except the motions under Rules 26, 27 and 28, no other motion may be moved under this Chapter.

26. Motion may be introduced without notice: (1) Notwithstanding anything contained in this Chapter, any of the following motions may be moved even without a notice, if the Speaker so allows, and no matter of controversy may be raised through such a motion:-

- (a) Motion of thanks;
- (b) Motion of adjournment;
- (c) Motion to withdraw any motion or amendment;
- (d) Motion of congratulation or condolence;
- (e) Motion of adjournment of discussion;
- (f) Motion to extend the period of discussion;
- (g) Motion to extend the duration of sittings; or
- (h) Motion of closure.

(2) A motion referred to in Sub-rule (1) after having been moved in the sitting of the Legislature-Parliament upon approval of the Speaker shall be forthwith put for the decision of the Legislature-Parliament by the Speaker.

27. Motions of Urgent Public Importance: (1) In case any Member intends to have a discussion on any matter of urgent and public importance, s/he shall give a notice relating to the motion to the Secretary General or Secretary at least two hours in advance of the sitting of the Legislature-Parliament and such a motion shall have to be seconded by at least two Members.

(2) In the notice given pursuant to Sub-rule (1), there should be the reasons for discussion on the motion clearly mentioned.

(3) If the subject matters contained in the motion pursuant to Sub-rule (1) is found to be urgent and of public importance by the Speaker, s/he may, after consulting with the concerned Minister, approve such a motion.

(4) The Speaker shall set the time limit of two hours in maximum for discussion on the motion referred to in Sub-rule (3). Only two days in a week shall be allotted for discussion on such motions.

(5) After approval of the motion pursuant to Sub-rule (3) and after the Speaker calls the name of the proposing Member, the proposing Member shall give a short statement. The Speaker shall thereafter allow time to other Members to participate in the discussion.

(6) The concerned Minister shall respond to the questions raised during the discussion.

28. Motions on Postponement: (1) Except the motion for adjournment of Sitting or a motion for suspension of business, a Member may, during the time in which a discussion is going on any motion or Bill, move a motion that the said discussion be postponed for any other day, and if such a motion is seconded by any other Member, such a motion shall have priority over other motions under consideration of the sitting.

(2) No amendment shall be allowed to the motion referred to in Sub-rule (1).

(3) If the Speaker deems appropriate, s/he may permit a short discussion on the motion referred to in Sub-rule (1) and put it before the sitting for decision.

(4) Any Member moving or seconding the motion referred to in Sub-rule (1) shall not be

allowed to move or second another such motion during the discussion of the concerned motion or Bill.

(5) If the Speaker deems that the motion is an abuse of the right to move a motion, s/he may reject such a motion or put it to the sitting for decision without any discussion.

Chapter -8

Amendments

29. Conditions Relating to Amendments: Amendment with regard to any motion may be put forward subject to the following conditions: -

- (a) it must not be contrary to principles of the main motion;
- (b) it must be relevant to and be confined within the matter and scope of the main motion;
- (c) it must not be contradictory to the earlier decision of the sitting;
- (d) Must not be vague, futile or trivial.

30. Notice of Amendment: (1) Any Member intending to move an amendment shall submit a notice thereof to the Secretary General or Secretary twenty four hours in advance of the day fixed for deliberation on the motion.

Provided that a notice of an amendment may be put forward at any time before the beginning of the discussion with the permission of the Speaker.

(2) Upon receipt of the amendment notice, a copy of each of the amendments shall be made available to all Members.

(3) In case an amendment has been put forward without a notice as referred to in sub-Rule (1), any Member may raise an objection.

31. Powers to Accept or Reject Amendments: (1) The Speaker shall have the power to accept or reject any amendment to a motion.

(2) The Speaker may, for the purposes of accepting or rejecting an amendment, require the concerned Member to clarify the purpose of the amendment.

32. Moving the Amendment: The Speaker shall read out the amendment or the amended motion or the original motion so accepted by him/her to the sitting, prior putting it for decision. While putting for decision, the Speaker may, if there is more than one amendment, put forth in priority any one of the amendments or the amended motion or the motion in original form deemed appropriate by him/her.

Chapter 9

Adjournment Motion

33. Notice of Motion and Speaker's Consent: (1) Subject to the provisions of these Rules, a motion for an adjournment of the business of the House for the purpose of discussing a matter of urgent public importance may be moved with the consent of the Speaker.

Provided that if such a motion is not found compatible to Rules or the Speaker has rejected it, s/he may, if s/he deems it necessary, state the reasons for refusing the motion or holding the motion being not as per the Rules. If the Speaker deems necessary to receive more information in

respect of the facts mentioned in the motion, s/he may ask for more information or full facts on such motion from the concerned Member or Minister before approving or rejecting the motion.

(2) The notice of an adjournment motion shall be given to the Secretary General or Secretary within half past ten at the morning of the day on which the motion is proposed to be introduced at the sitting, and one copy each of the notices along with the motion shall be given to the Speaker, concerned Minister and the Minister of Law, Justice and Constituent Assembly Affairs. Any notice received thereafter shall be deemed to have been received on the next day.

(3) The notice relating to the motion referred to in Sub-rule (2) shall not be given more than once in one sitting.

(4) If the notice to the motion has been signed by more than one Member, the notice shall be deemed to have been given by the Member signing first in the serial Number.

34. Conditions Relating to Adjournment Motion: A motion for adjournment of the sitting of the Legislature-Parliament for the purpose of discussing an urgent matter of public importance may be moved subject to the following conditions:-

(a) The motion shall be on a specific matter of recent occurrence and within the responsibility of Government of Nepal.

(b) The conditions referred to in Rule 17 must have been complied with.

35. Leave of the House to Move Adjournment Motion: (1) In case the Speaker gives consent to move the motion under Rule 33, the Speaker

shall, before taking up other business, call the name of the concerned Member and the Member shall ask for leave to move the motion for adjournment of House.

(2) In case any Member raises objection against the motion for leave moved pursuant to Sub-rule (1), the Speaker shall request those Members who are in favour of the leave to be granted to rise themselves from their places, and if sixty one or more Members rise accordingly, it shall be deemed that the House has consented to grant such a leave.

36. Time for Taking up the Motion: The Speaker may allot any time of the same day, after considering the state of business in the House, to take up the motion on adjournment for discussion.

37. Closure of Debate: If the Speaker deems that the discussion on the motion is adequate, s/he shall place the motion for decision of the House.

38. Determination of Time limit for Statements: The time limit for statements by the Member moving the motion, its seconder, the concerned Minister and other Members in respect of the motion shall be as prescribed by the Speaker.

Chapter -10

Resolution

39. Resolution may be Submitted: (1) Subject to these Rules, a resolution may be submitted on any of the following subjects of public importance:-

(a) To submit an opinion or recommendation;

(b) To support or oppose any action or

policy of Government of Nepal or to call attention for reconsideration thereof;

(c) To give any message or directive.

(2) The Speaker may give permission to submit a resolution on any other subject which s/he deems appropriate or necessary.

40. Notice of Resolution: (1) The proposer of a resolution shall have to give notice of the resolution s/he is going to submit to the Secretary General or Secretary at least seven days in advance.

Provided that any Minister may submit a resolution having given a notice of at least three days.

(2) No Member other than a Minister may give a notice of more than three resolutions in one session without having taken a prior approval of the Speaker.

41. Condition Relating to Resolution: In addition to the matters provided for in this Chapter, all conditions relating to a motion shall be applicable also in case of a resolution.

42. Decision on Admissibility: (1) The Speaker shall decide as to whether or not any resolution is admissible and in case any resolution or a part thereof is inconsistent to the Constitution or these Rules, the Speaker shall reject such resolution.

(2) The Speaker may, if s/he deems fit, consult the Conduct of Business Consultative Committee while taking decision pursuant to sub-rule (1).

(3) The Speaker may, if s/he deems fit, bring necessary amendment to the resolution in order to make it consistent to Rules.

(4) A copy of the resolution which has been permitted by the Speaker to be introduced to the House shall be distributed to Members before two days for the purpose of submitting an amendment.

43. Resolution to be Introduced: No more than one resolution submitted in one Sitting by one Member shall be put in the List of Business and no more than two resolutions shall be introduced in one Sitting.

44. Methods of Introducing Resolution: (1) After being named by the Speaker, the Member desiring to introduce a resolution may introduce the resolution to the House and while introducing the resolution, s/he may give a statement having read out the contents of the resolution.

Provided that any Member may authorize another Member to submit his/her resolution with the permission of the Speaker.

(2) After being named by the Speaker pursuant to sub-rule (1), the Member may wish not to introduce the resolution.

(3) The resolution not introduced by the concerned Member shall be deemed to be withdrawn by him/her.

45. Duration of Discussion: while submitting a resolution by a Member and speaking by the concerned Minister for the first time, a time of up to twenty minutes shall be given with the permission of the Speaker. The Speaker shall provide the time duration of statement by other Members desiring to speak. After the statement of the Members is over, the concerned Minister shall give replies thereto.

46. Conditions Relating to Amendment: (1) With the approval of the Speaker, amendment may be introduced to the resolution submitted under this chapter.

(2) The conditions referred to in Rule 29 shall also be applicable in case of an amendment to a resolution.

47. Decision on Resolution: Upon completion of discussion, the House shall first decide on an amendment to the resolution, if any, and shall decide on the resolution subsequently.

48. Approved Resolution to be Forwarded: The Secretary General or Secretary shall forward one copy of each of the resolutions approved by the House each to Government of Nepal, Council of Ministers and the concerned Minister. The concerned Minister shall implement the approved resolution and send information thereof immediately to the secretariat of the Legislature-Parliament.

Provided, that in case the resolution could not be implemented for any genuine reason, the information thereof shall be sent to the Legislature-Parliament along with the reasons.

Chapter-11

Provisions Relating to Ordinance

49. Submission of Ordinance: (1) The concerned Minister shall submit the Ordinance issued pursuant to Article 88 of the Constitution in sitting of the House after the issuance of the Ordinance.

(2) While submitting an Ordinance pursuant to sub-rule (1), description of the

circumstance and reasons leading to the issuance of such Ordinance shall also be stated.

50. Notice to Reject the Ordinance: (1) The Member desiring to submit a motion rejecting an Ordinance shall have to give the notice thereof to the Secretary General or Secretary within two days of the submission of the Ordinance.

(2) While giving such a notice, the reasons for rejecting the Ordinance shall also be stated therein.

(3) In case more than one notice is submitted pursuant to sub-rule (1), the notice of only one motion shall be selected through a lottery system.

(4) In case no notice to reject an Ordinance is submitted pursuant to sub-rule (1), the Speaker shall permit the concerned Minister to submit the motion for approving the Ordinance.

51. Methods of Introducing Motion Rejecting the Ordinance: (1) After being named by the Speaker, the Member submitting the notice may introduce the motion and while introducing such motion, s/he may give a statement having read out the contents of the motion.

(2) Any Member notifying the motion may authorize another Member to submit his/her motion with the permission of the Speaker.

(3) After being named by the Speaker pursuant to sub-rule (1), the said Member may wish not to introduce the motion.

(4) The motion not introduced by the concerned Member shall be deemed to be withdrawn by him/her.

52. Discussion on Motion Rejecting the Ordinance: The Speaker shall fix time to have discussion on the motion rejecting an Ordinance and the concerned Minister shall give replies to the questions raised during the discussion at the end of the discussion.
53. Decision on Motion Rejecting the Ordinance: After the Minister gives replies pursuant to Rule 52; the Speaker shall submit the motion to the House for decision.

Chapter -12

Legislative Procedures

54. Notice for Leave to Introduce Bills: (1) Subject to the Constitution and these Rules, any Member may introduce a Bill. Any Member intending to introduce a Bill shall give a notice of his/her intention to the Secretary General or Secretary along with a copy of the Bill and a statement of objectives and reasons at least seven days in advance.
- Provided, that in case of a government Bill, it shall be adequate to give an advance notice of five days.
- (2) In case a Bill creates a financial burden after being an Act, such a Bill shall be accompanied with a financial memorandum with detailed description. Such financial memorandum shall call attention to the Sections involving expenditure and shall also give an estimate of the recurring and non-recurring expenditure involved in case the Bill is passed into an Act.
55. Introduction of Dependent Bills: (1) A Bill which is wholly or partly dependent upon another Bill

pending before the House may be introduced in the House in anticipation of passing the principal Bill.

Provided that the dependent Bill shall not be taken up for consideration before the principal Bill has been passed.

56. Non-inclusion of Identical Bill in the List: Unless otherwise ordered by the Speaker, when a Bill is pending before the House, notice of any other Bill, which is identical in respect of subject matter and objective, whether it may be received before or after the introduction of the pending Bill, shall not be entered in the list of the noticed Bills.
57. Memorandum Regarding Delegated Legislation: A Bill containing the provisions for delegation of legislative powers shall be accompanied by a memorandum explaining the reasons thereof and calling attention to the nature and limitation of the law to be made under such delegated power and the effects resulting therefrom.
58. Bill to Replace Approved Ordinance: In case a Bill having the purpose of seeking to replace an Ordinance issued by the President as it is or with an amendment has to be introduced, it shall be accompanied by a statement explaining the reasons and circumstances which had necessitated immediate legislation by an Ordinance.
59. Process of Introducing a Bill: Unless otherwise ordered by the Speaker, a copy of the Bill shall be made available to all Members two days in advance of the date on which the motion for leave to introduce the Bill is to be moved.
60. Notice of Opposition to the Motion Introducing the Bill: Any Member intending to oppose the motion for leave to introduce a Bill shall submit a

notice thereof to the Secretary General or Secretary one day in advance of the day on which the motion of leave to introduce the Bill is to be moved.

61. Motion for Leave to Introduce a Bill: (1) If a motion for leave to introduce a Bill is opposed, the Speaker shall permit the Member who opposed and the Member who moved to introduce the Bill to make a short statement respectively. Thereafter, the Speaker shall, without further debate, put the question for decision of the sitting.

(2) Where a leave to introduce a Bill is granted pursuant to Sub-rule (1), the Member introducing the Bill shall forthwith introduce the Bill at the House and after the Bill is introduced, s/he may on some subsequent occasion make one of the following motions-

- (a) That the Bill be considered over; or
- (b) That the Bill be circulated for the purpose of eliciting public opinion.

(3) Where the Member in charge of the Bill has moved one of the motions pursuant to Sub-rule (2), any other Member may move another motion under the same Sub-rule.

62. General Discussion on the Bill: During the discussion on the motion referred to in Sub-rule (2) of Rule 61, only the principles of the Bill may be discussed. Except where it is deemed necessary to explain the intention of the Bill, no discussion shall be made on the Sections of the Bill and no amendment may be moved in respect of the Bill.

63. Procedures for Eliciting Public Opinion: (1) Where a motion that a Bill be circulated for the

purpose of eliciting public opinion thereon is passed, the Secretary General or Secretary may, in addition to publishing the Bill in the Nepal Gazette specifying the ascertained period for collection of opinion, also publicize it through other appropriate media and, after compiling the opinions received during such specified period, deliver them to the Member introducing the Bill.

(2) Other procedures of eliciting public opinion shall be as determined by the Speaker.

64. Procedures after Receiving Public Opinion: The Member introducing the Bill may, having enclosed the opinions received pursuant to Sub-rule (1) of Rule 63, move with a motion that the Bill along with the public opinion, be taken into consideration in the House.

65. Procedures after Conclusion of General Discussion: (1) Upon conclusion of general discussion on a Bill, the Member introducing the Bill may move one of the following motions-

- (a) That the Bill be discussed clause by clause in the House; or
- (b) That the Bill be referred to the Legislative Committee for clause by clause discussion;

(2) Where the Member introducing the Bill has moved any motion under Sub-rule (1), any other Member may move another motion under the same Sub-rule.

66. Authorization to Move a Motion: If the Member introducing a Bill is unable to be present for reasons which the Speaker considers adequate, the Speaker may grant a leave to another Member authorized by the Member introducing the Bill to move a motion in respect of the Bill.

67. Notice of Amendments to the Bill: (1) Any Member intending to move an amendment to a Bill shall give a notice to the Secretary General or Secretary with the amendment proposed by him/her within seventy two hours of the completion of the general discussion on the Bill.

(2) The Secretary General or Secretary shall make available to the Members the particulars of the amendments received.

68. Conditions Relating to Amendments: (1) The amendments to a Bill may be moved subject to the following conditions-

- (a) The amendment must be relevant to the subject matter of the Bill and within the scope of the Bill.
- (b) The amendment must not be inconsistent with the inherent principles of the Bill.
- (c) The amendment must not be vague, meaningless or trivial.
- (d) The amendment sought to be made in any Section must be relevant to the subject matter of such a Section.
- (e) The amendment must not be inconsistent with any previously accepted principles or previous decision of the House.
- (f) The amendment must clearly and specifically suggest the particular provision or words substituting any provision or words in the Bill.

(2) Subject to this Rule, the Speaker shall have powers to accept or refuse any amendment

or to call upon the concerned Member to make improvement thereon, or to accept them by consolidating more than one amendments of the same intention into a single amendment.

69. Order of Amendments: The amendments approved by the Speaker shall be included in the list of amendment in an orderly manner to the extent possible.

70. Clause by Clause Discussion along with Amendments: (1) Amendments shall ordinarily be considered in the order of the sections of the Bill to which they respectively relate to and the Member moving the amendment or the Member authorized by him, when called upon by the Speaker, may move the amendment.

(2) With respect to each section which has been left intact or accepted with amendment after the discussion, the Speaker shall orderly introduce a motion for decision stating, "Let this section become a part of the Bill."

Provided, that in order to save time and repetition of arguments, a single discussion may be allowed on one Section or to cover a series of inter-dependent amendments to such a Section. During the process of clause by clause discussion, any part or any Section of a Bill may be considered in a non-sequential manner or any Part or Section may be deferred for later discussion.

(3) Notwithstanding anything contained elsewhere in these Rules, for the purposes of this Rule and Rules 71, 72, 73 and 74, the word "Speaker" means the Chairperson of the Legislative Committee and the word "House" means the sittings of the Committee during the clause by clause discussion on a Bill in Legislative Committee unless the subject or context otherwise requires.

71. Withdrawal of Amendments: The Member moving an amendment may, with the leave of the sitting, withdraw the amendment.

Provided, that where an amendment has been proposed to an amendment, the original amendment shall not be withdrawn until the amendment proposed to it has been disposed of.

72. Discussion on Schedules: Unless otherwise decided by the Speaker, consideration over the Schedules of a Bill and amendments received thereon shall follow immediately after consideration over the concerned Section, and the question for the decision of the sitting shall be put in the same order.

73. Voting on Group of Sections: The Speaker may, if s/he thinks fit, also put as one question the Sections or the Schedules or any amended Sections or Schedules of the Bill, together in the form of a group for the decision of the sitting.

Provided, that if any Member requests that any Section or Schedule or amended Sections or Schedules be put separately for the decision of the Sitting, the Speaker shall put them separately.

74. Submission of Preamble and Title: Only upon disposal of all other Sections and the Schedules of a Bill, if any, the Speaker shall put the question at the end that the Preamble and the Section relating to the Title be made a part of the Bill in the original or amended form.

75. Directives May be Issued: While transmitting any Bill under consideration of the House to a Legislative Committee or during the consideration of a Bill by a Legislative Committee, the House may direct the Committee to widen the scope or

main objective of the Bill or to insert or delete any particular provision.

Provided, that such a directive must not be inconsistent with the main spirit of the Bill.

76. Report of the Legislative Committee: After conclusion of clause by clause discussion on a Bill in a Committee and the completion of the process referred to in Rule 74, a Report of the decision of the Committee shall be prepared and the Chairperson, or in his/her absence, a Member of the Legislative Committee designated by the Speaker, shall submit the Bill along with the Report to the sitting.

77. Bill may be Withdrawn: (1) If the Member introducing the Bill intends to make a motion for leave to withdraw the Bill, s/he shall have to give a notice thereof one day in advance.

(2) If a motion for leave to withdraw a Bill is made while such a Bill is under consideration of the Legislative Committee, the Committee shall submit a Report to this effect to the sitting.

(3) The Member withdrawing the Bill shall, with the approval of the Speaker, move the motion in the sitting of the Legislature-Parliament for withdrawing the Bill.

(4) If the motion for withdrawal of the Bill is opposed, the Speaker may permit the Members proposing and opposing the motion to deliver short statements for clarifying their respective stands and thereafter, s/he shall put the motion for decision without further debate.

78. Procedures after Tabling of the Report of the Committee: After the Report of the Legislative Committee is tabled; the Report shall be circulated to all Members.

(2) Unless otherwise ordered by the Speaker, the Member introducing the Bill may, at any time after twenty four hours of the circulation of the Report, move one of the following motions:-

- (a) That the Bill along with the Report be considered, or
- (b) That the Bill be sent back to the Legislative Committee with directives for reconsideration in respect of any specific Section or Sections.

(3) Where the Member introducing the Bill has moved one of the motions mentioned in Sub-rule (2), any other Member may move another motion under the same Sub-rule.

(4) Where a motion has been moved pursuant to Sub-rule (3), the Speaker shall permit the Member moving such a motion and the Member introducing the Bill to make statements and, if the Member moving the motion subsequently does not withdraw his motion after both of the Members have made their statements, the Speaker shall put the motion for decision of the Legislature-Parliament.

(5) If it is decided to send the Bill back to the Committee, it shall be sent to the Legislative Committee for reconsideration on the Bill and to submit a Report thereof.

(6) The Legislative Committee shall consider upon the Bill sent for reconsideration pursuant to Sub-rule (5) as soon as possible and shall submit the Bill to the House along with its Report prepared pursuant to Rule 76.

(7) After distribution of the Report

submitted by the Legislative Committee pursuant to Sub-rule (6) to the Members, the Member introducing the Bill may, on the date and at the time fixed by the Speaker, move a motion as referred to in Clause (a) of Sub-rule (2).

(8) After approval of the motion referred to in Clause (a) of Sub-rule (2) or in Sub-rule (7), discussion may be held only on the Report of the Legislative Committee and the Sections of the Bill relating thereto and other sequential Sections.

79. Motion for Passing of a Bill: Where a Bill has undergone clause by clause discussion in the House, after closure of such a discussion; and where clause by clause discussion has been held in the Legislative Committee, after closure of discussion on the Report of the Committee, and when the amendments have been put in the order thereof for decision of the Legislature-Parliament; the Member introducing the Bill shall move the motion that the Bill be passed.

80. Removal of Bill from Register Record: (1) A Bill shall be removed from the Register record of the House on the following conditions-

(a) In case the House has disapproved any of the following motions submitted by the Member introducing the Bill:-

- (1) Let the House grant leave to introduce the Bill;
- (2) Let the House consider on the Bill or the Bill along with a report of the Committee;

(3) Let the House pass the Bill or the Bill along with amendments.

- (b) In case the motion introduced pursuant to Rule 61 has been disapproved;
- (c) In case the Bill has been withdrawn;
- (d) In case the Member introducing the private Member's Bill ceases to remain a Member of the Legislature-Parliament; or
- (e) In case the Member introducing the private Member's Bill has been appointed to a Minister prior to passage of the Bill.

(2) No motion may be moved in the House in respect of the Bill removed from the Register record of the House pursuant to Sub-rule (1).

81. Powers of the Speaker to Improve Minor Mistakes: The speaker may, if s/he deems necessary, rearrange the serial number of Sections of the Bills and make necessary consequential improvement in the Bills passed by the House.

82. Re-introduction of Bill: No Bill once rejected by the House shall be introduced again in the same session.

83. Authentication of the Bill: (1) The Bill passed by the Legislature-Parliament shall be submitted to the President for authentication having certified by the Speaker.

(2) The Bill passed by the Legislature-Parliament shall become an Act after it has been authenticated by the President.

(3) After receipt of notice of the President's authentication pursuant to sub-rule (2), the Speaker shall read out the notice to the House. In case such a notice has been received at a time when the session is not going on, the Speaker shall cause to publish such a notice in the Bulletin of the Legislature-Parliament and also cause to publicize the notice.

(4) One copy of the Bill authenticated pursuant to sub-Rule (2) shall be retained at the record of the Legislature-Parliament and one copy of the Bill shall be furnished to each of the Office of the President, the Office of the Prime Minister and Council of Ministers and Ministry of Law, Justice and Constituent Assembly Affairs.

84. Procedures of the Bill to Amend to the Constitution: (1) In case of a Bill to amend to the Constitution pursuant to Article 148 of the Constitution, the procedures relating to the Bills under this chapter shall be applicable subject to this Rule.

(2) Amendment motion may be submitted only on the points of the Article, sub-Article, clause, sub-clause, or explanation in which an amendment motion has been received pursuant to sub-rule (1).

(3) The Speaker may, having obtained an approval of the House, form a special Committee for the purpose of submitting a Bill along with its report having conducted a clause by clause discussion on the Bill received pursuant to sub-rule (1) and the amendment motion to it.

(4) The Speaker shall have to submit for decision one by one of each of the Articles or sub-articles of the Bill relating to amendment to the Constitution or the amendment suggested to it.

(5) In case the motion requiring for approving the Bill to amend the Constitution has been approved by two third majority of the current total Members of the Legislature-Parliament, the Bill shall be deemed to have been passed.

(6) The motion requiring for approving the Bill to amend the Constitution shall be decided by the process of division of votes.

Chapter-13

Procedures Relating to Estimates of Revenue and Expenditure

85. Estimates of Revenue and Expenditure: (1) The Minister of Finance shall present the annual budget in the Sitting of the House pursuant to Article 93 of Constitution.

(2) In the sitting of the Legislature-Parliament convened after the presentation of the annual budget pursuant to Sub-rule (1), the Minister of Finance shall table a copy of the annual budget.

(3) No discussion shall be held on the day on which annual estimate of income and expenditure has been presented.

86. Discussion on Estimates of Revenue and Expenditure: (1) The Speaker shall, in consultation with the Prime Minister or, in his absence, any other Minister designated by him, allot the days and duration for general discussion on the annual estimates of revenue and expenditures prior to the motion for permission to move the Money Bill in the House by the Minister of Finance.

(2) There shall be general discussion on estimates of revenue and expenditure on the day and within the time as prescribed pursuant to sub-Rule (1).

(3) The discussion shall be initiated with a statement by the Minister of Finance and s/he shall answer to the questions raised during the discussion at the end thereof.

87. Supplementary Estimates: (1) The Minister of Finance may present supplementary estimates at the sitting of the Legislature-Parliament pursuant to Article 95 of the Constitution.

(2) While presenting the supplementary estimates according to Sub-rule (1), the Minister of Finance shall also state the reasons and objects thereof.

(3) No discussion on the supplementary estimates shall be held in the House on the day it is presented pursuant to Sub-rule (1).

(4) The Speaker shall, in consultation with the Prime Minister or, in his absence, any other Minister designated by him, allot the days and duration for general discussion on the supplementary estimates.

(5) The supplementary estimates shall be discussed on the day and within the duration allotted according to Sub-rule (4).

(6) The discussion shall be initiated with a statement by the Minister of Finance and s/he shall answer to the questions raised during the discussion at the end thereof.

88. Estimates of Expenditure: (1) The demands of grant for each Ministry shall generally be allocated under separate heads.

Provided, that the Minister of Finance may allocate certain demands of grant for any two or more Ministries and Departments under one head or certain demands of grants which cannot be generally classified for any specific Ministry may be allocated less than one head.

(2) Each head shall initially contain the particulars of all demands of grant and the sub-heads shall contain the detail descriptions of each of such divisions in the demands of grants. Discussion may be held on such particulars. However, no approval of the House shall be required in respect of the amounts of grant charged on the consolidated fund.

Chapter -14

Procedures Relating to Appropriation and Money Bills

89. Procedure Relating to Appropriation Bill: (1) Notwithstanding anything contained elsewhere in these Rules, the procedures as laid down in this Chapter shall be applicable in case of the Appropriation Bill.

(2) Prior to submission of the Appropriation Bill in the House, the Minister of Finance shall introduce a motion to have a discussion on the principles and priority of the Appropriation Bill (except tax proposal) for preparation of the budget.

(3) The procedures of the discussion to be held pursuant to sub-Rule (2) shall be as determined by the Speaker in consultation with the Conduct of Business Advisory Committee.

(4) The discussion to be held pursuant to sub-Rule (2) shall have to be completed at least fifteen days in advance of submitting the Appropriation Bill in the House.

(5) After closure of debate on the Annual Estimates, the Minister of Finance shall submit the Appropriation Bill on the basis of the discussion held pursuant to sub-Rule (2).

(6) After the motion that the Appropriation Bill be taken into consideration has been moved, the Speaker shall, in consultation with the Prime Minister or, in his absence, a Minister designated by him, allot the days and duration for discussion and voting on the different heads of the Bill.

(7) Debates shall be confined either to each separate head or to a group of heads as arranged in the Appropriation Bill and such discussion shall be held on the basis of party structure only.

(8) The concerned Minister shall reply to the questions raised in respect of any head during the debate held pursuant to Sub-rule (7) at the end of the debate.

(9) Prior to placing any head on vote, out of all motions for reduction of demand for grants (cut motions) moved on the basis of party structure, in case there are more than one motion of the same nature, only one of them shall be discussed and voted upon.

(10) Where separate motions relating to expenditure under the same head have been moved, the debate shall be allowed according to the order of the heads arranged in the Annual Estimates.

(11) On the last of the days and duration allotted pursuant to Sub-rule (6), the Speaker may, at the specified hour, put all the remaining heads for vote of the House without any further debate.

90. Cut Motion: (1) Any of the following motions may be moved to reduce the amount of demand for grants in any head:-

- (a) That the amount of the demand be reduced to one rupee;
- (b) That the amount of the demand be reduced by a specified amount; or
- (c) That the amount of the demand be reduced by one hundred rupees.

(2) The motion that "the amount of the demand be reduced to one rupee" shall be deemed to have been moved to represent disapproval of the policy underlying the demand. A Member giving notice of such a motion shall indicate therein in clear terms the particulars of the policy which he proposes to discuss. The discussion shall be confined to the specific point or points mentioned in the motion and it shall be open to other Members to suggest alternative policies.

(3) The motion that "the amount of the demand be reduced by a specified amount" shall be deemed to have been moved to adopt a policy of austerity. Such a motion may represent a lump sum reduction of the amount specified in the head or deletion of any sub-head of the main head or the reduction of the amount of demand in such sub-head. The notice to move the motion shall indicate briefly and precisely the particular matter sought to be raised. During the debate on the motion, it shall be confined as to how austerity measures may be affected.

(4) The motion that "the amount of the demand be reduced by one hundred rupees" shall be deemed as a "token-cut motion" having been moved by the Member to ventilate his specific grievances on matters within the sphere of the responsibility of Government of Nepal and the debate on the motion shall be confined to the particular grievances specified in the notice to the motion.

91. Conditions Relating to Cut Motions: In order that a motion for reduction of the amount of demand to be admissible, it shall satisfy the following conditions, in addition to the condition mentioned in Rule 17: -

- (a) It shall relate to only one head.
- (b) It shall not seek to increase the amount of grant or to transfer the amount of grant.
- (c) It shall be confined to one specific matter which shall be stated in precise terms.
- (d) It shall not make suggestions for the amendment or repeal of any existing laws.
- (e) It shall be a matter of primary concern to Government of Nepal.
- (f) It shall not relate to expenditure charged on the consolidated fund.
- (g) It shall not seek to raise in anticipation the discussion on a matter which has been previously appointed for consideration in the same session.

92. Notice of Cut Motions: Any Member intending to move a motion to reduce any demand for grant

shall, after submission of the Appropriation Bill, give a notice of such motion before two days in advance from the day on which the particular head is under consideration. While giving such a notice, only one notice may be given from one party.

93. Decision on Admissibility of Motion: The Speaker shall decide whether or not a cut motion is admissible. In case the said motion is in contravention of these Rules, the Speaker may reject such a motion having stated the reasons thereof.
94. Restriction on Amendment to Cut Motion: No amendment shall be admissible on a motion to reduce any grant in any head.
95. Vote on Account Bill: (1) The Minister of Finance may move a Vote on Account Bill in the House pursuant to Article 96 of the Constitution.
- (2) In respect of the Vote on Account Bill, the procedure as deemed appropriate by the Speaker shall be applied.
- (3) The procedures for submission and passing of the Bill referred to in sub-Article (2) of Article 96A. of the Constitution shall be as of the procedure for the Vote on Account Bill.
96. Money Bill: (1) On the sitting of the Legislature-Parliament convened immediately after the Annual Estimates is presented, the Minister of Finance shall move the Money Bill to give effect to the financial proposals of Government of Nepal.
- (2) Notwithstanding anything contained elsewhere in these Rules, the procedures as prescribed in this Rule shall be applicable on the Money Bill.

(3) After the motion that the Money Bill be taken into consideration has been moved, the Speaker shall, in consultation with the Prime Minister or, in his absence, a Minister designated by him, allot the days and duration for discussion on the Bill.

(4) During the discussion on the Money Bill, any Member may discuss on the matters relating to general administration, local grievances within the spheres of the responsibility of Government of Nepal or monetary or fiscal policies of Government of Nepal.

(5) Except as provided in this Rule, the procedure as deemed appropriate by the Speaker shall be applied in respect of the Money Bill.

97. Supplementary Appropriation Bill: (1) After the closure of discussion on Supplementary Estimates, the Minister of Finance shall move the Supplementary Appropriation Bill in the House.
- (2) In respect of the Supplementary Appropriation Bill also, the procedures relating to Appropriation Bill shall be applied.
98. Vote on Credit Bill: (1) The Minister of Finance may move a Vote on Credit Bill in the House pursuant to Article 97 of the Constitution.
- (2) In respect of the Vote on Credit Bill, the procedure as deemed appropriate by the Speaker shall be applied.

Chapter - 15

Motion of Confidence or No-Confidence

99. Motion of Confidence: (1) In case the Prime Minister deems it necessary or appropriate to

clarify that the House has confidence in him pursuant to Article 55A. of the Constitution and desires to introduce a motion for the vote of confidence in the House, a notice thereof shall be given to the Secretary General or Secretary.

(2) The notice of the motion to be given pursuant to Sub-rule (1) shall be given two days in advance of the date for discussion on such motion.

(3) Upon receipt of the notice pursuant to Sub-rules (1), the Secretary General or Secretary shall submit it to the Speaker and the Speaker shall allot the date and time for moving such motion.

(4) On the date and time allotted pursuant to Sub-rule (3), the Prime Minister shall, with the consent of the Speaker, move the motion having made a statement in the House in this respect.

(5) The Speaker shall allot the date and time to have discussion on the motion moved pursuant to Sub-rule (4), and the Prime Minister or, in case the Prime Minister happens to be in ill-health or s/he is unable to attend in person in the House for arising out of a circumstance beyond his/her control at the end of the time allotted, the Minister designated by him/her shall reply to the questions raised during the discussion.

(6) After the Prime Minister or the Minister designated by him/her replies to the questions, the Speaker shall submit the question to the House for decision whether or not the House has confidence in the Prime Minister.

(7) The decision of the House shall be made through division.

100. Motion of No-Confidence: (1) A motion of no-confidence stating that the House has no

confidence in the Prime Minister may be moved in writing by one-fourth Members of the total number of Membership of the House pursuant to sub-Article (2) of Article 55A. of the Constitution.

(2) The Members desiring to move the motion pursuant to Sub-rule (1) shall give a notice in writing to the Secretary General or Secretary at least seven days in advance.

(3) Upon receipt of the notice pursuant to Sub-rule (2), the Speaker shall allot the date and time for discussion on the motion and shall publish it in the Bulletin for advance information of all Members.

(4) On the date and time allotted pursuant to Sub-rule (3), the Speaker shall call the first signatory Member among the Members signing the motion or any Member authorized by him/her shall move the motion in the House and s/he may, if s/he so desires, give a statement in this respect prior to moving the motion.

(5) The Speaker shall allot the time for discussion on the motion referred to in Sub-rule (4) and, at the end of such time, the Prime Minister or, in case the Prime Minister happens to be in ill-health or s/he is unable to attend in person in the House for arising out of a circumstance beyond his/her control at the end of the time allotted, the Minister designated by him/her shall give answers in respect of the motion and to the questions raised during the discussion.

(6) After the reply of the Prime Minister or the Minister designated by him/her as mentioned in Sub-rule (5), the Member moving the motion may, with permission of the House, withdraw the motion.

(7) In case the motion is not withdrawn as mentioned in Sub-rule (6) by the Member concerned, the Speaker shall put the motion for decision of the House.

(8) The decision of the House shall be made through division.

(9) In case the motion under this Rule has been passed by the House, the Prime Minister shall *ipso facto* be relieved from his/her office.

Chapter-16

Motion on Impeachment

101. Motion on Impeachment against the Chief or a Member of Constitutional Body: (1) In case any Member desires to move a motion on impeachment against the Chief Justice or a Justice of the Supreme Court, the Chief Commissioner or a Commissioner of the Commission for the Investigation of Abuse of Authority, the Auditor General, the Chairperson or a Member of the Public Service Commission, the Chief Commissioner or a Commissioner of the Election Commission, the Chairperson or a member of the National Human Rights Commission on grounds of incompetence, deleterious conduct or failure to discharge honestly the duties of the office or s/he has become unable to discharge the duties of the office due to physical or mental reason(s); such a Member shall, after obtaining the concurrence of one-fourth Members of the total Members of the House, give a notice of such motion to the Secretary General stating the grounds and reasons for moving the motion.

(2) Upon receipt of the motion under Sub-

rule (1), the Secretary General or the Secretary shall present it to the Speaker. Such motion shall be scheduled for discussion on any sittings of the House within seven days from the date of filing of such motion.

(3) After being called upon by the Speaker on the date and time scheduled pursuant to Sub-rule (2), the Member moving the motion shall introduce the motion on impeachment in the House and he may, if s/he so desires, make a statement prior to introducing such a motion.

(4) After the motion as mentioned in Sub-rule (3) is introduced, the Speaker shall fix the time for discussion and after such discussion is over, the Member moving the motion may, if s/he wishes so, withdraw the motion with permission from the Legislature-Parliament.

(5) In case the motion is not withdrawn pursuant to Sub-rule (4), the Speaker shall move a motion to the House to constitute an Inquiry Committee consisting of a maximum of fifteen Members. While moving such a motion, powers including the powers of seeking an explanation from the person against whom the charge is made, of examining evidences, and of issuing a summon for that purpose shall also be mentioned therein.

(6) Any Member may move an amendment to the motion referred to in Sub-rule (5).

(7) After deciding upon the amendments submitted on the motion, the Speaker shall put the motion for constituting the Inquiry Committee or the amended motion for decision.

(8) If the motion constituting the Inquiry Committee moved pursuant to Sub-rule (7) is

adopted, the Speaker shall send the motion on impeachment, together with the relevant documents, to the Inquiry Committee and send the information thereof to the body and the official concerned.

(9) The Members of the Inquiry Committee shall select the Chairperson of the Committee from among themselves.

102. Tenure of Inquiry Committee: (1) Unless otherwise decided by the Speaker, the tenure of the Inquiry Committee shall be of twenty one days in maximum from the date of its Constitution.

(2) In case the Committee could not complete its works within the prescribed period, it may request the House through the Speaker stating the reasons thereof for an extension of time limit and the House may extend a time of seven days in maximum for one time.

103. Procedures of the Inquiry Committee: (1) The Inquiry Committee shall commence its works immediately upon the receipt of the approved motion on impeachment together with the relevant documents.

(2) The Chairperson of the Committee shall regulate the procedures of the Committee subject to the direction of the Speaker.

(3) The Committee may seek an assistance of other authority, as may be necessary, in addition to that of the Legislature-Parliament Secretariat.

(4) In case the motion of impeachment introduced under this chapter has been based on the fact that any official has become unable to discharge his/her functions for physical or mental

health condition, the Inquiry Committee may, in consultation with the Speaker, form a medical board comprising of three experts on the concerned subjects to examine the physical and mental condition of the concerned official and to submit a report thereof to the Inquiry Committee.

104. Report of the Inquiry Committee: (1) The Committee shall investigate into each of the charges having given a reasonable opportunity to the person being impeached to defend himself/herself and thereafter, consider upon all of the facts involved thereto and decide as to whether or not the charges for impeachment is proved, and the Committee shall submit its report to the House having stated the grounds and bases thereof along with its recommendations.

(2) The report shall be distributed to all Members at least two days in advance of the day on which discussion is going on in the House on the report referred to in sub-Rule (2).

105. Consideration on the report: (1) On the date and time prescribed by the Speaker, the Chairperson of the said Committee or in his/her absence, another Member prescribed by the Speaker, shall introduce a motion to the House to consider over the Committee report.

(2) Upon introduction of the motion referred to in sub-Rule (1), there shall be discussion over the report in the sitting.

(3) While having discussion pursuant to sub-Rule (2), any Member may submit an amendment to the report in a manner deemed appropriate by the Speaker or to send the report back to the Committee for having conducted an inquiry again on any special matter.

(4) In case the motion requiring sending the report back to the Committee pursuant to sub-Rule (3) is passed, the report shall be sent to the Committee and the Committee shall send the report again to the House having conducted an inquiry within seven days.

106. Motion Calling for Approval of the Report: (1) Upon completion of discussion on the report pursuant to sub-Rule (2) of Rule 105 or receipt of the report of Inquiry Committee to the House pursuant to sub-Rule (4) of the same Rule, the Chairperson of the Committee, or in his/her absence, another Member prescribed by the Speaker, shall introduce a motion to the House for consideration over the Committee report.

(2) Upon introduction of the motion referred to in sub-Rule (1), any Member may, as per the procedures determined by the Speaker, bring an amendment to the report.

(3) Upon completion of short discussion on the report introduced pursuant to sub-Rule (1) or the amendment introduced pursuant to sub-Rule (2), the Speaker shall submit all amendments to the House for decision and thereafter s/he shall submit the recommendations referred to in the report for decision in the House.

(4) On the motion of impeachment, the decision of the House shall be made through division.

(5) In case the report of the Inquiry Committee with the finding, upon conducting an inquiry pursuant to this Chapter against any office bearer, that the charge of impeachment is proved has been passed by a two third majority of the total Member of the Legislature-Parliament at the moment, the concerned office bearer shall *ipso facto* be relieved from the office.

Secret sitting of Legislature-Parliament

107. Secret sitting of the Legislature-Parliament: (1) In case the Prime Minister makes a request that the discussion on national security and any matter of national crisis be held in a secret sitting, the Speaker may, if s/he deems such a request reasonable, decide to have the discussion on such subject matter in a secret sitting.

(2) No one shall be at the chamber while a secret sitting of Legislature-Parliament is in progress.

Provided that this provision shall not be applicable to the persons permitted by the Speaker.

(3) The Speaker may maintain and publicize a brief description of the proceedings or decision of a secret sitting as he/she deems appropriate. Except the Speaker or the person authorized by his/her, no one shall be allowed to keep such records, publicize or let anyone else know about them.

(4) The procedures of the secret sitting shall be determined by the Speaker.

(5) If it is deemed that the procedure of the sitting need not to be kept secret any longer, the Prime Minister or any Member designated by him/her may make such a proposal to the Assembly with the permission of the Speaker.

(6) Upon approval of the proposal by the Assembly, the Secretary General or the secretary shall prepare the proceedings and resolutions of such secret sitting and make it publicized as directed by the Speaker.

Committees of the Legislature-Parliament

108. Committees may be formed: Legislative Committee, Subject Specialized Committees and Special Committees may be formed under the Legislature-Parliament in order to assist in the regular works of the Legislature-Parliament

109. Legislative Committee: (1) There shall be a Legislative Committee formed in order to assist the Legislature-Parliament in performing necessary functions relating to regular legislation pursuant to Sub-Article (1) of Article 83 of the Constitution.

(2) The main duty of the Legislative Committee formed pursuant to Sub-rule (1) shall be to submit report to the House having had clause-by-clause discussions on the Bills introduced in the Legislature-Parliament.

(3) The Legislative Committee shall comprise of seventy-five Members in maximum and while forming such a Committee, attention shall be paid to proportional representation based on presence of women, indigenous/tribal people, Madhesi, *Dalit*, backward regions and other communities in the House, having made representation of all political parties representing in the Legislative-Parliament.

(4) The Speaker shall introduce the motion relating to formation of the Legislative Committee in the House for approval.

(5) The Members of the Legislative Committee shall elect a Chairperson from among themselves.

(6) The Minister for Law, Justice and Constituent Assembly Affairs shall be an *ex-officio* Member of the Legislative Committee.

(7) The tenure of the Legislative Committee shall be as long as the tenure of the House.

(8) Except the legislative procedures referred to in these Rules, other procedures of the Legislative Committee shall be as determined by the Committee itself.

110. Subject Specialized Committees: There shall be following Committees in the Legislative-Parliament pursuant to Article 58 of the Constitution to make the government responsible to the Legislature-Parliament and as provide necessary direction and suggestion to the government, having made evaluation and monitoring the activities of the government made in the past and being made at present. The name and scope of each Committee shall be as follows:-

| S.N. | Name of Committee | Working Areas |
|------|--|---|
| 1. | Finance and Labour Relation Committee | Ministry of Finance, Ministry of Industries, Ministry of Commerce and Supplies, Ministry of Labour and Transport Management, National Planning Commission. |
| 2. | Committee for International Relations and Human Rights | Ministry of Foreign Affairs, Ministry of Culture and State Restructuring, Ministry of Tourism and Civil Aviation, Ministry of Education, Ministry of Youths and Sports, Ministry of Law, Justice and Constituent Assembly Affairs, Office of Attorney General, National Human Rights Commission |
| 3. | Natural Resources and Means | Ministry of Forests and Soil Conservation, Ministry of Water |

| S.N. | Name of Committee | Working Areas |
|------|---|---|
| | Committee | resources, Ministry of Land Reform and Management, Ministry of Agriculture and Cooperatives |
| 4. | Development Committee | Ministry of Physical Planning and Construction, Ministry of Peace and Reconstruction, Ministry of Information and Communication, Ministry of Local Development, Ministry of Environment, Science and Technology |
| 5. | Committee on Women, Children and Social Welfare | Ministry of Women, Children and Social Welfare, Ministry of Health and Population |
| 6. | Committee on State Affairs | Office of the Prime Minister and Council of Ministers, Ministry of Defense, Ministry of Home Affairs, Ministry of general Administration, Commission for the Investigation of Abuse of Authority, Public Services Commission and Election Commission. |
| 7. | Public Accounts Committee | Public Accounts and Report of the Auditor General |

111. Additional Subjects to be assigned: The Speaker shall assign the subjects not included in Rule 110 to the Committee, which s/he deems to be appropriate.

112. Formation of Subject Specialized Committees: (1) The Speaker shall nominate a maximum of sixty three Members including the *ex-officio* Members to the Committees referred to in Rule 110 having obtained approval of the Legislature-Parliament.

(2) The Prime Minister shall be an *ex-officio* Member of all Committees and the Minister concerned with the areas of the Committee shall be an *ex-officio* Member of the concerned Committee.

(3) While nominating Members to the Committees, attention shall be paid to the number of political parties representing to the House and proportional representation of women, indigenous/tribal people, Madhesi, *Dalit*, backward regions and other communities.

(4) Except the Minister, a Member could not become a Member of more than one Committee at the same time.

(5) Notwithstanding anything contained in sub-Rule (4), in case any Member desires to attend and take part in the sitting of the Committee in which s/he is not a Member, s/he may do so having given prior information of the same at least one day in advance.

Provided that s/he shall not have voting right in such a sitting.

113. Election of Chairperson: (1) Except otherwise provided for in this Chapter, in each Committee under this Chapter the election of the Chairperson shall be held on the day allotted by the Speaker and the Secretary General or Secretary shall publicize the information thereof at least 48 hours in advance.

(2) A Member may propose another Member to be elected as Chairperson having seconded by another Member within five o'clock in the afternoon of the day before the day of election and shall give the notice of the same to the General-Secretary or Secretary. Such a notice shall contain an undertaking of the proposed Member that "if elected, I agree to work as a Chairperson."

(3) Once the proposing Member presents the notice of the proposal pursuant to sub-Rule (2)

to the Committee, the seconding Member shall second the proposal.

(4) If only one notice of such proposal is received pursuant to Sub-rule (2), the then-presiding Member shall announce the election of the proposed Member unopposed after the conclusion of the supporting Member's statement. In case of receipt of more than one proposal, all proposals shall be discussed in turn, and after the statements by the respective proposing Members, the then-presiding Member shall then submit all proposals to the Committee for a final decision.

(5) While submitting the proposal for decision pursuant to Sub-rule (4), Members in favor of the proposal shall be asked to say "Yes", while those against shall be asked to say "No", and thereafter the Member who receives a simple majority shall be declared to have been elected as Chairperson.

(6) When one of the many proposals submitted for decision pursuant to Sub-rule (4) has already been approved, the proposed Member shall be deemed to have been elected as Chairperson and the rest of the proposals shall not be submitted for decision.

(7) The then-presiding Member shall also have a right to vote. In case of tie of votes, a lottery system shall be followed.

(8) The ex-officio Member shall be entitled to cast vote in the Committee to which s/he is a Member and s/he shall furnish the notice as to in which Committee will s/he exercise voting right to the Speaker within twenty-four hours from the date of publication of the notice of election.

Provided, that an ex-officio Member not being the Member of the Legislature-Parliament shall not have voting right thereto.

(9) No Minister shall be allowed to be elected as Chairperson and shall be entitled to preside over Committee sittings.

(10) In the absence of a Chairperson, the eldest Member of the Committee present thereto shall preside over the Committee sittings.

(11) In case the eldest Member has been proposed for Chairperson, the second eldest Member present shall preside over the Committee sittings.

(12) The elected Committee Chairperson shall take an oath of office in the presence of the Speaker pursuant to Annex-2.

114. Tenure of Subject Specialized Committees and Circumstances in which Office of Chairperson and Member falls vacant: (1) The tenure of each of the Committees referred to in Rule 110 shall be for the tenure of the Legislature-Parliament.

Provided that the Speaker may, having obtained approval of the Legislature-Parliament, alter the Members.

(2) The office of the Chairperson of the Committee may fall vacant in any of the following circumstances:-

- (a) In case s/he is no longer a Member of the Legislature-Parliament;
- (b) In case s/he becomes a Minister;
- (c) In case s/he resigns;
- (d) In case two third majority of the Members of the concerned

Committee passes a resolution that one has not fulfilled the responsibility of his/her office with honesty.

(3) The office of a Member of the Committee shall fall vacant in any of the following circumstances:-

- (a) In case one is no longer a Member of the Legislature-Parliament;
- (b) In case one becomes a Minister;
- (c) In case one resigns;
- (d) In case one is no longer a Member due to alteration pursuant to sub-Rule (1).

(4) In case the office of the Chairperson of the Committee and the office of a Member of the Committee falls vacant, it shall be fulfilled pursuant to Rule 113 and sub-Rule (1) of Rule 112 respectively, and the tenure of office of such a Chairperson and Member shall be for the remaining tenure of the Committee.

(5) In case the office of the Chairperson of the Committee falls vacant, it shall be fulfilled within one month of the date of convening the sitting of the House or the Committee.

115. Function, duties and powers of the Subject Specialized Committees: (1) Subject to its working area, the functions, duties and powers of each of the Subject Specialized Committees shall be as follows:-

- (a) To evaluate the policy and programs, resource mobilization, management, and other similar activities of the Ministries,

Departments and the offices thereunder and to give necessary directives to the concerned bodies and to introduce an annual report along with appropriate comments, recommendations and directives to the House;

- (b) To check the estimates relating to revenue and expenditure of the Ministries, Departments and the offices thereunder and to give necessary directives to the concerned bodies on the methods of preparing the annual estimates, the alternate policy that could be adopted instead of the current policy in annual estimates and the savings that could be made on the amount of annual estimates, and to introduce an annual report along with its opinions to the House;
- (c) To give necessary directives to the concerned bodies having studied on the measures taken by the Government of Nepal in order to fulfill the assurances given from time to time by the Members of the Council of Ministers on behalf of the Government, and to introduce a report to the House;
- (d) To conduct studies, monitoring and evaluation on whether or not the public property of a government body concerned with the subject has been misused and

- to give necessary directives, and to introduce a report to the House;
- (e) To give necessary directives to the concerned bodies having had discussion on the functions and activities under the prevailing Acts and Rules;
 - (f) To monitor on the implementation of the reports of the Investigation commissions/Committees and probe commissions/Committees to be formed by the government from time to time, and to give necessary opinions, advices, and directives;
 - (g) To carry out other functions as assigned by the House;
 - (h) To launch its programs subject to the budget and programs approved by the speaker on the recommendation of the Committee; and
 - (i) While performing the functions referred to in the clauses above, to exchange ideas with the representatives of the concerned Ministries and Departments and with the experts on the subjects.

(2) The Public Accounts Committee shall check the unsettled amounts referred to in the Annual Report of the Auditor General submitted to the Legislature-Parliament and shall study and decide on the activities of the Auditor General and decide on whether or not the actions and activities conducted by the concerned bodies on the report

of the Auditor General are as per the laws and are carried out in meaningful manner and check the public accounts of other public bodies, and introduce report to the House before submission of the annual estimates.

(3) The State Affairs Committee shall consider on the annual reports of the functions carried out by the Commission for the Investigation of Abuse of Authority and the Public Services Commission and the memorandum submitted by the Government of Nepal on to the Committee and shall conduct an evaluation and inquiry on whether or not the activities carried out by the concerned bodies are as per laws and are carried out in satisfactory manner, and it may give necessary directives to the concerned bodies and submit a report to the House.

(4) The International Relations and Human Rights Committee shall consider and deliberate on the annual reports of the National Human Rights Commission and of the Attorney General and submit report to the House having stated the following matters:-

- (a) Whether or not desirable progress has been made in honoring, protecting and promoting human rights and securing its effective implementation?
- (b) Whether or not the violators of human rights could have been brought to justice?
- (c) Whether or not the activities in raising awareness of human rights are satisfactory?

- (d) Whether or not the status of implementation of international human rights instruments to which Nepal is a party is satisfactory?
- (e) Whether or not functions have been performed as per laws and in satisfactory manner in regard to investigation, appeal and withdrawal of the cases in which the state has become a party, practice by government lawyers in the cases in which the state has become a party, humane treatment with the accused persons detained in the custody including Sitting with lawyers and family relatives; and also whether or not the judicial precedents or interpretations laid down by the Supreme Court have been implemented effectively?
- (f) What sort of policies or working procedures need to be developed to effectively implement the aforesaid activities?

(5) The Development Committee shall conduct monitoring and evaluation on the implementation of the comprehensive peace accord referred to in the Interim Constitution of Nepal, 2006 and on the relief to be provided and rehabilitation works to be carried out by the government to the families of the deceased or disappeared persons and persons rendered disabled or displaced in the course of the armed conflict, and it may give necessary directives to the Government of Nepal.

(6) The Subject Specialized Committees may, in order to carry on the responsibilities of their respective areas in a well-managed way, frame necessary procedures and working calendar.

(7) In the course of performing the functions of the Committee, the Members may visit to necessary places with a prior approval of the speaker.

(8) The annual reports to be submitted by the Committees to the House under this Rule shall be submitted before submission of the annual estimates, and other reports may be submitted at any time.

116. Special Committee: (1) There shall be Security Special Committee, Parliamentary Hearing Special Committee, Privilege Committee and other Special Committee as may be necessary.

(2) In case of need of forming a Special Committee other than those referred to in Rules 117 and 118, the Speaker shall submit to the House a motion along with the functions of such a Committee, its term of office and the names of the Members to be comprised in such Committee.

117. Security Special Committee: (1) Except in cases where the Nepalese Army has been mobilized for the reason of occurrence of a natural calamity as referred to in sub-Article (5) of Article 145 of the Constitution, there shall be a Security Special Committee in the Legislature-Parliament for the purpose of approving the decision of the Council of Ministers, Government of Nepal to mobilize the Nepalese Army.

(2) In the Committee to be formed pursuant to Sub-Rule (1), there shall be altogether

eighty-one Members in maximum comprising of the Prime Minister, Defense Minister, Home Minister, three Ministers designated by the Prime Minister in the National Security Council as referred to in Sub-Article (1) of Article 145 of the Constitution, the Chairperson of the State Affairs Committee, along with representatives of all political parties representing to the House having regard to proportional representation on the basis of presence in the House of women, indigenous/tribal people, Madhesi, *Dalit*, backward regions and other communities. In special circumstances, the Speaker may alter the Members as may be necessary on the recommendation of the Conduct of Business Advisory Committee.

(3) The Speaker and Deputy Speaker shall be the *ex-officio* Chairperson and vice Chairperson of the Committee.

(4) The term of office of the Committee shall be up to the term of the Legislature-Parliament.

(5) The office of a Member of the Committee may fall vacant in any of the following circumstances:-

- (a) In case s/he is no longer a Member of the Legislature-Parliament;
- (b) In case s/he resigns from the office of a Committee Member;
- (c) In case one is no longer a Member due to alteration pursuant to sub-Rule (2).

(6) The Prime Minister shall introduce in the Sitting the motion relating to mobilization of the army.

(7) The Chairperson shall call Sitting as may be necessary in order to have discussion on the motion introduced pursuant to sub-rule (6). Presence of majority Members is necessary to hold the Sitting of a Committee.

(8) Decision of majority of the Members present in the Sitting shall be deemed to be the decision of the Committee. In case of equal division of votes, the vote of the Chairperson shall be decisive.

(9) With a condition of completing the discussion and of making decision on the motion introduced pursuant to sub-rule (6) within 30 days of the date of mobilization of the army, other procedures of the Committee shall be as determined by the Committee itself.

(10) The report along with the decision made pursuant to sub-rule (8) shall be submitted to the House as soon as possible.

118. Parliamentary Hearing Special Committees: (1)

There shall be a Parliamentary Hearing Special Committee in the Legislature-Parliament for conducting parliamentary hearing with regard to the names proposed for appointment of the justices of the Supreme Court, Ambassadors and the Constitutional positions, which are appointed on the recommendation of the Constitutional Council.

(2) In the Committee referred to in sub-Rule (1), there shall be seventy five Members in maximum nominated by the House having regard to proportional representation on the basis of presence in the House of women, indigenous/tribal people, Madhesi, *Dalit*, backward regions and other communities having made representation of all political parties

representing to the House. In special circumstances, Members may be altered as may be necessary on the recommendation of the Conduct of Business Advisory Committee.

(3) The Members of the Committee shall elect one Chairperson from among themselves. In absence of the Chairperson, the eldest Member of the Committee shall preside over the sitting.

(4) The tenure of the Member shall be for the tenure of the Legislature-Parliament.

(5) The office of a Member of the Committee may fall vacant in any of the following circumstances:-

- (a) In case s/he is no longer a Member of the Legislature-Parliament;
- (b) In case s/he resigns from the office of a Committee Member;
- (c) In case one is no longer a Member due to alteration pursuant to sub-Rule (2).

119. Procedures Relating to Hearing: (1) While recommending or appointing to any of the following vacant offices, the concerned body shall have to send to the Committee having recommended the names of probable candidates for parliamentary hearing:-

- (a) Chief Justice and Justices of the Supreme Court;
- (b) Chief Commissioner and Commissioners of the Commission for the Investigation of Abuse of Authority;
- (c) Auditor General;

- (d) Chairperson and Members of the Public Services Commission;
- (e) Chief Commissioner and Commissioners of the Election Commission;
- (f) Chairperson and Members of the National Human Rights Commission;
- (g) Ambassadors.

(2) After receipt of the name list pursuant to sub-Rule (1), the Committee shall conduct hearing within fifteen days of the date of receipt of the letter from the concerned body and send its report to the concerned body having prepared the opinion of the Committee for the concerned offices.

(3) In case the proposed name has not been rejected by opinion of the Committee referred to in sub-Rule (1), the concerned body shall appoint them in concerned offices, the information of which shall be sent to the Committee.

(4) The Chairperson shall call the sitting of the Committee as may be necessary. In order for holding the sitting of the Committee, the presence of 51 percent of the total number of Members shall be mandatory.

(5) The unanimous decision of the Members present shall be the decision of the Committee.

Provided, that in case there could not be unanimous decision and the Committee could not send its decision to the concerned body within the time referred to in sub-Rule (2), there shall be no hindrance in appointing to the office sent for

consultation. In the case the Committee could not be unanimous, the actions taken in the Committee with regard to the name received for hearing, the documents received to the Committee and other description shall be sent to the concerned body as soon as possible.

(6) The report along with decision made pursuant to sub-Rule (2) shall be submitted to the House as soon as possible. In case there is no sitting of the House or it is not in session, it shall be submitted to the Speaker and be submitted to the sitting held thereafter.

(7) Other proceedings of the Committee shall be as determined by the Committee itself.

120. Sitting of Committee: (1) Except otherwise provided for in this Chapter, the concerned Committee Chairperson may call the sittings of the Committees under this Chapter.

(2) The Chairperson or in his/her absence, the Member selected from among the Members themselves shall preside over the sittings of the Committee. In case the person selected by the Members has presided over the sitting, the information thereof shall be given to the Speaker.

(3) While presiding over a sitting by the person selected from among the Members, s/he may exercise all powers vested in the Chairperson.

(4) In case a sitting of the Committee or sub-Committee has to be held outside the premises of the Parliament building, a written permission of the Speaker shall have to be obtained.

121. Quorum: (1) Except otherwise provided for in this Chapter, the quorum of a Committee shall be one fourth of the total number of Members.

(2) In case no quorum is constituted in the sitting of a Committee, the Chairperson may suspend the functions of the sitting until the quorum is constituted or adjourn the sitting for another time or day.

(3) In case a sitting of the Committee has to be adjourned for a consecutive two times for lack of quorum the Chairperson shall furnish the information thereof to the Speaker.

122. Actions on Consecutive Absence: The Member who has been absent for a consecutive five times in sittings of the Committee without permission of the Chairperson, the Speaker may remove such Member from such Committee on the recommendation of the Chairperson and information thereof shall be furnished to the House as well.

123. Decision of the Committee: (1) Except otherwise provided for in this Chapter, the decision of majority of the Members present in the sitting shall be deemed to be the decision of the Committee, and in the event of equal division of the votes, the Chairperson shall exercise a casting vote.

(2) The decision of a sitting of the Committee shall be authenticated by the Chairperson.

124. Formation of Sub-Committees: (1) In case the Chairperson deems appropriate, s/he may form sub-Committees comprising of the Members of the Committee in order to conduct the internal

proceedings or to submit report having studied on the subjects within the purview of the Committee.

(2) While forming a sub-Committee, the terms of reference of the sub-Committee and the time limit for completion of the works shall also be specified.

(3) In case the sub-Committee Members have to visit any place for submitting report having studied any subject matter, a prior approval of the Speaker shall be obtained through the Chairperson.

125. Entrance of Concerned Official or Expert: (1) In case the concerned Minister deems necessary having regard to the nature of the subject matter, s/he may, having obtained permission of the Chairperson, take the concerned official of the Government of Nepal or an expert on the subject to sitting while having discussion on any subject in the Committee. It shall be the duty of the concerned official or expert to be present in the sitting and give clear information on necessary matters.

(2) In case the Committee deems necessary, it may have discussion having invited the representatives and experts of the concerned party or pressure group or interest group .

(3) It shall be the duty of such representatives and experts of the concerned party or pressure group or interest group to be present in the Committee pursuant to sub-Rule (2).

126. Discussion to be Made Short: Whether or not the time is allocated for having discussion, in case the Chairperson deems that the discussion in the Committee is going to be long unnecessarily, s/he may shorten the discussion.

127. Powers to call for Submission of Documents or Presence of Any Person or Officials: (1) The Committee may call for submission of documents or require the presence of any person or official in connection with its business.

Provided, that in case the Minister deems that it would be detrimental to national security, peace and order or public or national interest if such a document is submitted, the Minister shall inform the Committee stating the reasons thereof. The decision of the Committee shall be final in this regard.

(2) The Committee may take statement or record the statement from the person or official caused to appear pursuant to sub-Rule (1).

128. Committee Report: (1) The Chairperson or the Member assigned by the Speaker during the Chairperson's absence shall submit the report of the Committee.

(2) While submitting the report, the Chairperson or the Member may give a short statement about the report, if he/she so desires.

(3) The concerned Minister shall implement the report submitted to the House.

(4) The Committee may submit a report to the House having conducted monitoring and evaluation of the implementation or non-implementation of its annual report.

(5) The Chairperson of the concerned Committee shall, within two days of the date of submission of such report to the House, give notice to the Speaker for having discussion on the monitoring and evaluation report referred to in sub-Rule (4) and the report submitted by the Committee on the subject assigned by the House.

(6) Upon receipt of the report referred to in sub-Rule (5), the Speaker shall give permission to the Chairperson of the concerned Committee to submit the report for discussion in any sitting to be held at any time after two days.

(7) The concerned Committee Chairperson may deliver a short statement while submitting the proposal. Thereafter, the Speaker shall fix the duration of time for discussion.

(8) Discussion is said to have come to an end after the concerned Minister gives replies to the questions raised during the discussion.

129. Maintenance of Order and Discipline in the Committee: (1) The Committee Chairperson shall have all powers as exercised by the Speaker in order to maintain peace and order as well as discipline in order for the smooth running of Committee sittings.

Provided, that if any Member is expelled or suspended, he/she shall not be considered to be expelled or suspended from other Committee of the Legislature-Parliament.

(2) While exercising the powers mentioned in Sub-rule (1), if any Member is suspended or expelled, the Chairperson shall inform the matter to the Speaker.

130. Informing About Absence: any Member remaining absent for five consecutive sittings shall have to furnish the reasons therefor to the Chairperson and in case of the absence of the longer time, the information thereof shall be given to the Speaker and get it approved by the Speaker.

131. Secretariat of the Committees: (1) There shall be a Secretariat for each Committee under the Legislature-Parliament Secretariat.

(2) The Secretary shall be an *ex-officio* Secretary of each Committee.

(3) The Secretary may assign any officer under him/her to function as Secretary of any Committee of the Legislature-Parliament.

Provided, that this Rule shall not be deemed to have barred the Secretary-General to assign an officer under him to act as Secretary of the Committee in case the office of the Secretary falls vacant.

(4) The Secretary may, in order to assist in the functioning of the Committee, make necessary correspondence with the concerned Ministry, Department, or any agency.

132. Opinion may be Given: The Secretary General and the Secretary may, with a permission of the Chairperson, express their opinion on the subject under consideration in the sitting.

133. Not to Take Part in Discussion and Decision: In case any Member has his personal interest associated with any subject that is under consideration of any Committee, such Member shall not take part in the discussion and decision on the subject.

134. Decision on Jurisdiction of Committee: If questions are raised regarding the jurisdiction of a Committee, the decision of the Speaker shall be final.

135. Sittings of Committee Chairpersons: Sittings of the Committee Chairpersons shall be held from time to time to evaluate the performance and effectiveness of the Committees under the chairpersonship of the Speaker as necessary. The Committee secretaries may also take part in such sittings.

136. Publication and Inquiry of Rules and Orders: The Rules, Byelaws, and the orders or notices issued under the authority delegated by the House shall be published in the Nepal Gazette and the concerned Minister shall make available six hundred and one copies of such Rules, Byelaws, and the orders or notices to the Legislature-Parliament secretariat. The concerned Committee shall conduct an inquiry and study about Rules, Byelaws, and the orders or notices, and shall submit report in the House.

Chapter-19

Statement by Minister, Resignation and Tabling of Documents

137. Statement by Minister and Information: (1) A Minister may, with the consent of the Speaker, give statement or information on the subject of public importance in the sitting.

(2) No question shall be raised at the moment on the statement or information given pursuant to sub-Rule (1).

138. Tabling of Documents: (1) In case any Minister has cited any government document or report or any part thereof while giving a statement or information in the sitting, such document or report shall be submitted to the House.

Provided, that in case there is adequate reason and ground that submission of any document or report would be detrimental to national security, peace and order or public or national interest the Minister shall inform the House and s/he may not submit such document or report.

(2) In case a summary of any document or report is referred to, such document or report need not be submitted.

139. Statement by Resigning Minister: (1) A Minister who has resigned from the office of a Minister may, with the consent of the Speaker, make a statement to the House on the resignation s/he has immediately given.

(2) No discussion shall be held on the statement given pursuant to sub-Rule (1).

Provided, that after the statement is over, any other Minister may give statement in that regard.

Chapter-20

Treaties or Agreements

140. Submission of Treaty or Agreement : (1) In case a treaty or agreement, to which Nepal or Government of Nepal has to become a party, needs to be ratified, acceded to, approved or accepted by Legislature-Parliament pursuant to Article 156 of the Constitution, the concerned Minister shall give a notice to the Secretary General or Secretary at least five days in advance enclosing the attested copies of such a treaty or agreement having stated the nature of the treaty or agreement and the following details relating thereto: -

- (a) Objectives of the treaty or agreement which needs to be ratified, approved or accepted, the major provisions of it, and the reasons and justification for Nepal

or Government of Nepal to become a party to it;

- (b) The benefits to be derived from such a treaty or agreement and the obligation to be borne therefrom;
- (c) Description as to whether or not a separate law has to be enacted for implementing such a treaty or agreement;
- (d) In case of a multilateral treaty or agreement, if there are countries being parties to it, their name and number;
- (e) In case of need of reservation in a multilateral treaty or agreement, the reason thereof and the proposal for reservation.

(2) Upon receipt of the notice pursuant to sub-rule (1), the Secretary General or Secretary shall notify all Members at least one day in advance stating the date and time of presenting of the treaty or agreement having enclosed a copy thereof.

(3) While presenting the treaty or agreement for ratification, accession, approval, the Minister concerned shall make a statement and shall move for general discussion to be confined on whether or not to ratify, accept or approve the treaty or agreement.

(4) The Speaker shall allot the time for general discussion on the treaty or agreement to be held pursuant to sub-rule (3).

(5) The Minister concerned shall answer to the questions raised during discussion at the end of the discussion.

141. Amendment on Reservation : (1) If any reservation may be made under the provisions of the treaty or agreement or if any declaration may be made clarifying the position of Government of Nepal in respect of the interpretation of any provision of such treaty or agreement, a Member intending to move an amendment within the limits of the matter shall give a notice of such an amendment to the Secretary General within forty-eight hours of the closure of general discussion on such a treaty or agreement pursuant to sub-rule (3) of Rule 140.

(2) In respect of the amendment received pursuant to Sub-rule (1), the Speaker shall have powers to accept or reject or to accept with amendments subject to the provisions of these Rules.

142. Methods for Debate and Decision on Treaty or Agreement: (1) While having discussion on a treaty or Agreement pursuant to this chapter, the Speaker may apply, *mutatis mutandis* the procedures referred to in Chapter-12 of these Rules which are generally applied in respect of debate on the Bills.

(2) Upon completion of the general discussion on the treaty or agreement pursuant to sub-rule (1), the Speaker shall put the treaty or agreement to the House for decision as to whether or not the treaty or agreement should be ratified, acceded, approved or accepted in the original form or if reservation could be made to any clause of such a treaty or agreement, the reservation or declaration and the amendment suggested to it pursuant to Rule 141, if any.

Provisions Relating to Approval of the Proclamation or Orders of State of Emergency

143. Motion for Approval of the Proclamation or Orders of State of Emergency: (1) In case a proclamation or order has been issued by the President of Nepal pursuant to sub-Article (1) of Article 143 of the Constitution, the Prime Minister shall give a notice relating to a motion for approval of such proclamation or order to the Secretary General in such a manner that such declaration or order may be approved within one month of the date of issuance of such an order.

(2) The notice referred to in sub-rule (1) shall be given five days before the day on which discussion shall be held on the motion.

(3) Upon receipt of the notice referred to in sub-rule (1), the Speaker shall fix the day and time to introduce it in the House.

Provided, that while fixing such a date and time, it shall be fixed in such a manner that the time of one month is not lapsed from the date of issuance of it.

(4) On the day and at the time fixed by the Speaker pursuant to sub-rule (3), the Prime Minister shall, with the approval of the Speaker, introduce the motion to the House having given a statement as to the basis and reasons for issuing the declaration or the order.

(5) Upon submission of the motion pursuant to sub-rule (4), the Speaker shall fix the date and time to have discussion on the motion. The discussion shall be over after the Prime Minister, or in case the Prime Minister happens to

be in ill-health or s/he is unable to attend in person for arising out of a circumstance beyond his/her control, the Minister designated by him/her gives replies to the questions raised during the discussion.

(6) Upon completion of the discussion pursuant to sub-rule (5), the Speaker shall submit the motion to the House for decision.

(7) On the motion introduced pursuant to sub-rule (1), the decision of the Legislature-Parliament shall be based on division.

144. Motion for Extending Duration of the Proclamation or Orders of State of Emergency:

(1) The Prime Minister shall give to the Secretary General a notice of the motion for extending the duration of the proclamation or order pursuant to sub-Article (5) of Article 140 of the Constitution five days in advance.

(2) Other procedures relating to the motion referred to in sub-rule (1) shall be as stated in Rule 143.

145. Information to Council of Ministers: The Secretary General shall inform the Council of Ministers as to whether or not a motion under this Chapter has been approved.

Provisions Relating to Approval of Orders to Remove Constitutional Difficulties

146. Submission of Orders to Remove Constitutional Difficulties : (1) In case the President has issued an order to remove Constitutional Difficulties in order to implement the Constitution pursuant to Article 158 of the Constitution, the Prime

Minister shall, within three days of the date of issuance of the order, give information of the same to the Secretary General for the purpose of getting it approved by the Legislature-Parliament.

(2) Upon receipt of the notice referred to in sub-Rule (1), the Secretary General shall immediately furnish the notice to the Speaker.

(3) The Speaker shall determine the date and time to submit the report to the sitting within five days of receipt of the notice referred to in sub-Rule (1).

(4) In case the notice referred to in sub-Rule (1) has been received at a time when the Legislature-Parliament is not in session, the Speaker shall determine the date and time to submit the report to the sitting within five days of the date of commencement of the session.

147. Approval of Order: (1) With regard to the notice received pursuant to Rule 146, it shall be submitted for decision after completion of general discussion on it in the sitting.

(2) In case the motion submitted pursuant to sub-Rule (1) is passed by a two third majority of the number of Members present therein, it shall be deemed to have been approved.

(3) The Secretary General shall submit the Prime Minister the information of the decision made pursuant to sub-Rule (2).

Chapter-23

Miscellaneous Provisions

148. Attorney General to Express Opinion: (1) In case the Speaker deems it necessary to seek legal

advise of the Attorney General, s/he may allow the Attorney General to express opinion having been present in the House.

(2) There shall be no discussion on the opinion expressed pursuant to sub-Rule (1).

(3) The procedures as to expressing the opinion pursuant to sub-Rule (1) shall be as determined by the Speaker.

149. Special Powers of the Secretary General: The General-Secretary shall be entitled to enter into any sitting of the Legislature-Parliament or of any Committee or sub-Committee thereof to instruct or control the Secretary or other officer on duty in the sitting, and s/he may give advises relating to the procedures demanded by the Sittings.

150. Security of Records: (1) The Secretary General shall cause to keep the records of decisions and documents of the proceedings of the Legislature-Parliament and its Committees.

(2) The Secretary General shall not allow anyone to take out from the building of the Legislature-Parliament the records to be maintained pursuant to sub-Rule (1) without an order of the Speaker.

151. Language: (1) The proceedings of the Legislature-Parliament or its various Committees shall be in Nepali language. In case any Member has spoken in his/her mother tongue, provision shall be made to maintain record thereof.

(2) Notwithstanding anything contained in sub-Rule (1), in case of Member with statement disability, the Speaker may permit to express his/her opinion in symbolic language and allow his/her assistant to interpret and read out to the House.

152. Legal Opinion and Advice: In case any legal question is raised regarding the procedures of the proceedings of the Legislature-Parliament or its Committees, the advice of the legal advisor at the Secretariat shall be sought and the legal advisor also shall represent the Legislature-Parliament and its Committees in a case involving the Legislature-Parliament or any of its Committee as a party.

Provided that this Rule shall not be deemed to have hindered the Legislature-Parliament or any committee to appoint a separate legal expert for that purpose and to get his/her assistance.

153. Nomination of Member: Except those provided for in these Rules, the Speaker shall nominate a Member to represent to a Committee concerned with the Legislature-Parliament, group, association, or the like bodies having regard to the knowledge, skills, interests, and the party structure in the House and the formation and proceedings of such a Committee, group, association, or bodies shall be as prescribed by the Speaker.

154. Right to Regulate the Entrance: (1) Generally, the sittings of the Legislature-Parliament shall remain open.

(2) The Speaker shall have power to regulate the entrance, taking into consideration the convenience of those who are interested in observing the proceedings. The Speaker may also make or cause to be made provisions for entrance passes, whenever the need arises to regulate the entrance.

(3) Any person who has entered the building with an entrance pass is required to abide

by the rules and conditions printed on the pass. Anyone found not following such conditions shall be expelled from the building on the order of the Speaker.

155. Short Description of Proceedings of Legislature-Parliament: The short description of proceedings of the Legislature-Parliament shall be made available to the Members.

156. Internal Procedures: (1) The Speaker may, in consultation of the Conduct of Business Advisory Committee and with approval of the Legislature-Parliament, frame internal procedures as may be necessary.

(2) In the internal procedures to be framed pursuant to sub-Rule (1), the following procedures shall, *inter alia*, also be included:

- (a) Procedures of Inter-parliamentary Union of Nepali National Group;
- (b) Procedures of various friendly groups of Inter-Parliamentary Union.

157. Suspension of Rules: A Member may, with the permission from the Speaker, introduce a motion for suspension of a particular Rule under these Rules that the Rule be not applied to a particular issue which is currently before the Assembly for consideration. If approved, such a Rule shall be considered suspended for that period.

158. Power to Remove Difficulties: The Speaker shall have powers, subject to the Constitution and these rules, to issue necessary orders and directives in order to remove difficulties appearing in the implementation of these Rules. Such orders and directives shall be submitted before the sitting of the House to be convened immediately for

approval. All such approved orders and directives shall be deemed to have been incorporated in these rules.

159. Interpretation of These Rules: The Speaker shall have powers to interpret these Rules, and his/her decision shall be final.
160. Functions of Secretary General may be Carried out: In the absence of the Secretary General, the official delegated by the Speaker shall perform all functions to be performed by the Secretary General under these Rules.
161. Functions of Secretary may be Carried out: In the absence of the Secretary, the official delegated by the Speaker shall carry out the functions prescribed to be carried out by the Secretary under these Rules.
162. Amendment to Rules: (1) The House may bring necessary amendments to these Rules.
- (2) A Member may, if he/she deems an amendment necessary, notify the Speaker of the proposal to amend these Rules along with reasons for the amendment.
- (3) The Member may introduce a proposal asking the House with due permission of the Speaker, for approval to set up an Amendment Committee, including suggested names, if the Speaker deems it necessary.
- (4) The Committee formed as per Sub-rule (3) shall consist of Members as needed, and the Members shall select the Chairperson among themselves.
- (5) The procedures upon submission of the report by the Committee to the House shall be as those applicable to a Bill except otherwise altered by the Speaker.

163. To be as per Constituent Assembly Rules: It shall be as per these Rules on the matters provided for in these Rules, and it shall be as per the Constituent Assembly Rules, 2008 on the matters not provided for in these Rules.
164. Repeal: The Legislature-Parliament Rules, 2006 have been repealed.

Annex-1

(Relating to Rule 8)

Oath of office to be administered by the Prime Minister

I, being completely loyal to the country and people, do hereby solemnly resolve / swear in the name of God that I shall, with genuine loyalty towards the Interim Constitution of Nepal, 2006, which ensures that state authority and sovereignty is vested in the people of Nepal, truthfully and impartially carry out my duties and responsibilities as the Prime Minister, putting myself strictly within the limits of the existing laws, always thinking the good of the country and the people in high esteem, without fear, biasness, prejudice or ill-will and I also do hereby solemnly pledge that I shall not disclose any matter coming to my knowledge in the course of discharge of my official duty whether or not I remain in office, except while being obliged by the law in force for the time being.

Date..... Name.....
Signature.....

Annex-2

(Relating to Sub-rule (12) of Rule 113)

Oath of office of the Chairperson of the Committee

I, being completely loyal to the country and people, do hereby solemnly resolve / swear in the name of God that I shall, with genuine loyalty towards the Interim Constitution of Nepal, 2006, which ensures that state authority and sovereignty is vested in the people of Nepal, truthfully and impartially carry out my duties and responsibilities as Chairperson of theCommittee of the Legislature-Parliament, putting myself strictly within the limits of the existing laws, always thinking the good of the country and the people in high esteem, without fear, biasness, prejudice or ill will.

Date..... Name.....
Signature.....

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